



JUDICIAL MERIT SELECTION COMMISSION)

In the Matter of: Monet Pincus)
Candidate for at large Seat 4 5th Judicial Circuit Family Court)

RECEIVED
10/28/24
WITNESS AFFIDAVIT
FORM

In regard to my intended testimony, I will offer information as to the following:

- (1) My name is Rhonda Lewis Meisner Post Office I am 59 years old my address for work is PO Box 689 my home address is *Redacted* Blythewood, *Redacted* My personal cell *Redacted*
- (2) The other persons who have knowledge of the facts concerning my testimony are as follows:
 Sherry Davis: *Redacted*
 Edna Burdette: *Redacted*
 Sheila Robinson, *Redacted*

I am not putting this affidavit or testimony in the record for any purposes other than to help the legislature make a determination of whether Judge Monet Pincus should be reappointed to the family Court. I do not believe based on my experiences with Judge Monet Pincus and my observations of her rulings in multiple cases that she should be allowed to remain on the family court. I believe all the judges have exhibited dishonesty in that they favor certain law firms and there should be a fresh start for the Richland County Family Court so that the community can heal and regain confidence in the system and the judiciary. I contend upon information and belief, Judge Pincus did not follow the statutes, precedential rulings laws, and instructions from this honorable legislature regarding her actions in this case. In my emergency Petition for an Order of Protection and separate support in maintenance filed before my husband's divorce petition, Judge Pincus did not treat me fairly in the following particulars:

- (a) Specific facts relating to the candidate's
 - 1.Character, as I understand Judicial Character, this relates to Qualities that judges should exhibit in judicial proceedings, such as patience, dignity, fairness, impartiality, and honesty in decision making. I will address the fairness, impartiality, and honesty in decision making. I was disappointed to find Judge Monet Pincus to be partial to my husband's attorney, Sheila Robinson and upon information and belief, knew things that could only be gleaned with some sort of information outside the hearing. Judge Pincus was not fair or honest in her decision making during this hearing because she not only granted Sheila Robinson's motion to

dismiss the claims of abuse, she failed to order separate support and maintenance that was requested. Judge Pincus continued to make critical rulings in my case after she recused herself from the case. I contend these rulings are unconstitutional because after recusal a judge loses all personal and subject matter jurisdiction over the parties. It is my testimony that instead of listening to the parties and reviewing their submitted evidence, affidavits and other evidence and applying the law, she allowed a Petition for an Order of Protection that requires actual testimony to be dismissed on a technicality that the time of the attack was not listed. A Motion to Dismiss was served the same morning as a hearing; however, defendants to a motion to dismiss are given 10 days to respond. I believe this goes to her competency because judges are presumed to know the timelines for motions and notice requirements. The Court of appeals affirmed her actions because I was able to bring the claims of physical abuse in the divorce case; however, prior to entering family Court, my husband told me his attorney arranged a judge. He also stated I didn't have a chance against a Jewish Judge and a black attorney (his attorney is not black but in her picture she appears African American). I asked whether his attorney was black to confirm her identify. Judge Pincus recused herself from cases involving the parties. This did not stop her from ruling in my case at critical times.

Issue # 1 Judge Pincus recused herself after dismissing my Petition for an Order of Protection but failed to address spousal support or separate support and maintenance. In effect, she threw the whole complaint out instead of the Petition for Protection. Her actions allowed my husband's attorney to file the divorce Petition and request no spousal support which was not issued in this case at all. I will lobby the legislature that when a Petition for Order of Protection is not heard, the additional requests for relief must be addressed.

Issue # 2 Judge Pincus continued to involve herself in my case after recusal.
By written Order Judge Pincus recused herself from hearing additional issues involving my husband and me based on her assessment that third parties might question her impartiality. However, upon information and belief, she continued to rule and influence my case from the shadows in the back halls of the courthouse in several instances;

A. Despite her recusal, upon information and belief, both Judge Hurley and Judge Frierson-Smith in open court stated that Judge Pincus, as the Chief Administrative Judge, gave them authority to rule on the 365 rule. I have included the Order from Judge Michelle Hurley where she admitted Judge Pincus gave her authority to rule; however, I do not have the transcript from all the hearings yet. Had Judge Pincus not taken a proactive stance and behind the scenes not granted the authority of other judges to rule on the 365 day rule, the other non chief administrative judges would not have known about the timeline of the case because the dismissal was not before them and the case would have been administratively dismissed by the clerk of family court pursuant to the 365 rule because motions to continue are presented to the

chief administrative judge for ruling and perhaps my husband might have been diagnosed sooner, she is personally part of the reason he was not diagnosed and my children further harmed. Had Judge Pincus not taken a proactive interest in my case and stance to ensure this case was *not* administratively dismissed, then my husband may have been diagnosed earlier. My divorce case has lasted almost 5 years. My ex-husband was experiencing hallucinations and having delusional conversations with me and referring to me in the third person. He also had several instances of other symptoms such as shortness of breath, lightheadedness nausea and headaches that were **reported to multiple judges with no requirement for him to be assessed**. I tried repeatedly to get either a psychiatric evaluation or a neurological evaluation as he appeared to have a neurological impairment like Lewy Body Dementia or some other neurological impairment. He was subsequently diagnosed with Acute Myeloid Leukemia, a blood disorder that can cause the above symptoms. **Judge Pincus' active involvement behind the scenes after recusal as admitted by two other family court judges calls into question not only her ethics but her impartiality and fairness in decision making**. It is manifestly unjust for a judge to recuse herself and then proceed after recusal to actively intervene in the case. Upon information and belief, there are hundreds of cases in the Richland County Family Court, as such, it is clear that most likely *ex parte* communications were involved in this issue because two judges claimed Judge Pincus gave them authority to rule. If a motion to continue was filed it was filed upon information and belief after the 365 day timeline had passed. What is clear is that only the chief administrative judge can sign unless she involves someone else in the case happened here. Judge Michelle Hurley after initially agreeing to continue the case then modified the ruling after being presented to Judge Huntley Crouch's opinion that pursuant to the Supreme Court's rule on 365 dismissal, and stated in her order only the chief administrative judge could continue the case. As such, Judge Hurley would not continue the case. Judge Rosalyn Frierson-Smith then took up the mantle and signed the extension, despite the fact Monet Pincus was the chief administrative judge.

- B. **Judge Pincus again intervened in the case over 4 years after she recused herself. Her administrative assistant Amanda Tharin issued an email that stated "on behalf of Judge Rankin" However, the email emanated from Judge Pincus' sccourts email address and not Judge Rankin.**

An email that came from Judge Pincus mpincusc@sccourts.org wrote to require attendance at the new trial for a trial that had been mistried for the next day. The email noted that this was the only notice that would be given. I did not receive the email because I had been in trial all week and significant amounts of emails had accumulated. Nevertheless, despite there being a requirement that trials are to be noticed 10 days in advance, Judge Pincus' secretary stated she was acting on behalf of Judge Rankin which seems implausible at best because she did not send the email from Judge Rankin's email address and he has his own court assigned email address which is mrankin@sccourts.org that the trial would continue the next day. Judge

Rankin has his own secretary/administrative assistant which are Nichole Todd. Nevertheless an email emanating from Judge Pincus email address stated the case would resume tomorrow or words to that effect. The problem with this directive is that not only upon information and belief are cases required to give a 10 day notice, but Judge Rankin upon information and belief was not present in Richland County on that day. The only judge in the county other than Judge Smithdeal who had recused himself was Judge Monet Pincus, additionally the Orders, in my opinion, appeared to have been signed by Judge Pincus and not Judge Smithdeal.

Issue # 3 Judge Pincus issued a warrant for DSS to enter my home and attempt to speak to my children for the purpose of removing my children. Judge Pincus failed to notice that the affidavit and the fake case number was from 2018 and not 2019 when the parties entered the Richland County Family Court. Either she failed to notice the case number was doctored and from another case or whether DSS submitted fraudulent information, in either event Judge Pincus had no issues with signing to give the police entry to a private home with information that was inaccurate. This goes to Judge Pincus' competency because she is so careless to not notice the date or conflicting information on the case number and the affidavit from the DSS worker. The DSS worker testified at trial that she was communicating via cell phone with my husband and refused to give me the correct office number for DSS. It is clear that much of the DSS activity was orchestrated by husband's attorney Sheila Robinson because she admitted to being in contact with DSS during the first Temporary hearing and in fact requested DSS come to the hearing where they could be influenced by false testimony to be submitted by the previously fired housekeeper. Nevertheless, Judge Pincus signed for the fraudulent warrant. Fortunately for me, the sheriff that responded to the house knew me and my reputation within the schools and community outside of the false allegations and was aware of my advocacy for my children because he had seen me with my children in public and he refused to take my children into custody. This fact was unanticipated and upon information and belief, required further behind the scenes intervention. The action of Judge Pincus signing a warrant without proper information is a dangerous precedent that puts all citizens at risk for unlawful search and seizures of our most important assets our children. I believe this issuance of a warrant issued with such blatant mistakes speaks to her integrity, her honesty, her competency, or all three.

2.Competency

I believe the above instances of lapses in ethics by involving herself after recusal also goes to her competency because she could simply state I can no longer involve myself because I have recused myself in that case but she did not. Also, I think the fact she did not read what she signed with regard to the issued warrant is disturbing at best.

3.Ethics including any and all allegations of wrongdoing or misconduct on

the part of the candidate

- (b) I have been in contact with others that have been subjected to the Honorable Monet Pincus such as Melissa Hagood. Ms. Hagood's case was reversed and remanded when Monet Pincus was the judge. Ms. Hagood represented that she has never had a remand hearing that she was made aware of. She stated that it is no use to try and fight the family court they will just take everything. The specific dates are cataloged on the emails, the transcripts, and appellate court orders. The allegations against Monet Pincus outside of the hearings, the dates are unknown as they occurred behind closed doors in the family court but manifested in emails, orders, and the testimony of Judge Hurley in the Multiple Motions hearing and the emails sent by her secretary that claimed she was acting on behalf of Judge Rankin. I respectfully request an investigation into why Judge Pincus' secretary sent the email on behalf of Judge Rankin and where was Judge Rankin during this time, as his court room upon information and belief was locked and he was not on the schedule.
- (c) names of the persons present are located on the orders, hearing notices, and email communications.
- (d) this information relates to the qualifications of the judicial candidate because if a Judge that recuses herself is allowed to continue affecting the outcome, it becomes a violation of the due process clause and the equal protection clause which brings the judiciary in ill repute. Upon information and belief, Judge Pincus should be removed from office because she believes she is above the law and in effect, does not even abide by her own orders why would anyone believe she would abide by other orders.
- (4) Set forth a list of and provide a copy of any and all documents to be produced at the hearing which relate to your testimony regarding the qualifications of the judicial candidate.
Emails from Judge Pincus and Judge Rankin that indicate different email addresses.
Order from the Court of Appeals in the Hagood case
Order from the Court of Appeals in this case
- (5) State any other facts you feel are pertinent to the screening of this judicial candidate. I believe this candidate should be subjected to surprise drug and alcohol screening the way the people that come before are subjected to drug and alcohol screenings.

I understand that the information I have provided herein is confidential and is not to be disclosed to anyone except the Judicial Merit Selection Commission, the candidate, and counsel.


WAIVER

[Handwritten Signature]
Signature

Sworn to me this 28th day of Oct, 2024

[Handwritten Signature] L.S.
Notary Public of South Carolina

My commission expires: 9/28/2028

 **Hunter Glisson**
Notary Public for South Carolina
Commission Expires: 09/28/2028

RICHLAND COUNTY
STATE OF SOUTH CAROLINA
FILED IN THE FAMILY COURT
OF THE Fifth CIRCUIT
2022 OCT 20 PM 12:08

COUNTY OF Richland CASE NO: 19-DR-40-2277

CLARENCE W. HIGDON
CLERK OF COURT
& FAMILY COURT

Grant Meisner

PLAINTIFF

BENCH ORDER

Rhonda Meisner

DEFENDANT

This is an action in the family court.

During the course of the trial it came to this court's attention and recollection that three years ago, he had been sued by one of the partners of the Plaintiff's attorney. The Judge has accused himself.

The following orders were issued by the trial judge prior to reversal: Bench order filed October 19, 2022 at 9:29 am (medical records); Bench Order filed October 19, 2022 at 9:40 am (Rule 34 entry on property); Order to Recall Bench Warrant filed October 20, 2022 at 9:25 am. Further all oral rulings on the parties' motions and evidentiary rulings or other directives are hereby vacated.

This case is scheduled to reconvene on October 21, 2022 with a new trial judge at 9:30 am.

Accordingly, it is ORDERED

The orders set out above including: Bench Order filed October 19, 2022 at 9:29 am (medical records); Bench Order filed October 19, 2022 at 9:40 am (Rule 34 entry on property); Order to Recall Bench Warrant filed October 20, 2022 at 9:25 am are hereby vacated and are without effect. All evidentiary or other rulings or directives are vacated.

This hearing is scheduled to reconvene on October 21, 2022 with a new trial judge at 9:30 am.

[Signature] SC

[Signature]
JUDGE OF THE FAMILY COURT

10/20 2022
2017

FILED

✓

STATE OF SOUTH CAROLINA

IN THE FAMILY COURT
OF THE FIFTH CIRCUIT

COUNTY OF RICHLAND

CASE NO: 19-00-40-2271

Grant Meisner

PLAINTIFF

BENCH ORDER

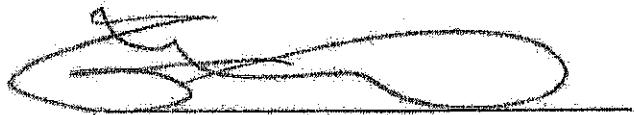
Rhonda Meisner

DEFENDANT

This is an action Am inter via custody and visitation with a child.
The Plaintiff is represented by the law firm of Mary Bradbury Myers in West Columbia
The Defendant pro se. According to the parties, the Plaintiff was diagnosed with very serious form
of cancer in January 2022. The parties have joint custody of the minor child and Plaintiff is
primary custody. Plaintiff has been undergoing out-patient & inpatient treatment
for at least eight months. He has instructed the parties' name not to tell the pro se
about the treatment or diagnosis. The pro se has previously submitted in August
to the Plaintiff inquiring about his health. No information about the Plaintiff's condition
was provided until the Plaintiff's deposition taken by pro se on Sept 28, 2022.
Plaintiff was asked about his health and he revealed his condition. This deposition
was scheduled to start & did start on Oct 17, 2022. Pro se defendant requests Plaintiff
medical records. Pursuant to Rule 26(b) request is granted. Plaintiff's records.

Accordingly, it is ORDERED
Plaintiff shall provide two years complete medical charts from both his Hematology /
Oncology provider and his primary care physician on or before October 31, 2022 at
9:30 am. He shall also provide a HIPAA compliant release to the pro se. Any use or
material obtained with the said release shall be shared immediately with Plaintiff's attorney.

Reed, SC



JUDGE OF THE FAMILY COURT

10/19 2022
2018

SCANNED

STATE OF SOUTH CAROLINA

IN THE FAMILY COURT
OF THE Fifth CIRCUIT

COUNTY OF Richland

CASE NO: 19-01-40-2077

Grant Mejsner

PLAINTIFF

Rhonda Mejsner

DEFENDANT

BENCH ORDER

OCT 19 AM 9:40

This is an action for inter-vita equitable distribution of a very large marital estate. The plaintiff is represented by the law firm of Moore, Bradley & Myers in West Columbia, the defendant is pro se. The litigation has been on-going for in excess of three years and the pro se has been denied access to the marital home and surrounding areas. There is an extremely large discrepancy between the valuations of the personal property by each party. The pro se asked this court to leave the property for the purpose of inspection, measuring, surveying, photographing, testing the property or any designated object thereon within the scope of Rule 17(b)(2). The Plaintiff objected to the pro se being allowed to enter the property. Both parties agree that this court has rejected pro se's request for entry in the past. Fairness mandates that both parties have access to marital property for purposes of inventory, photographing, valuation etc. see also Rule 17(b)(2).

Accordingly, it is ORDERED

Pro se Rhonda Mejsner shall have complete, total, uninterrupted access to the marital home & all surrounding properties owned by either of both parties. She may observe, photograph, measure and record all and any items and areas what so ever. Any locked, secured, blocked or inaccessible areas shall be made immediately open and available prior to pro se's arrival at the marital home at 2 pm Friday October 21, 2017. The Plaintiff shall not be present. Plaintiff may provide a witness to photograph or otherwise record all movements & activities of the pro se. Witness(es) may not speak to or direct or hinder the pro se in any way. Pro se may remain at the marital home & property for three hours. Pro se may bring an assistant witness. This witness shall only speak to pro se. Any willful violation of this Order shall be subject to this court's contempt powers.

Richland

.SC

[Signature]

JUDGE OF THE FAMILY COURT

10/19

2017

RICHLAND COUNTY
STATE OF SOUTH CAROLINA FILED

COUNTY OF RICHLAND • 2022 OCT 20 AM 9:25

Grant Meisner

PLAINTIFF

JERABETTE W. McDRONE
CC, CP, CS
& FAMILY COURT

VS

Rhonda Meisner

DEFENDANT

IN THE FAMILY COURT

FIFTH JUDICIAL CIRCUIT

Docket No.: 19-DR-40-2277

ORDER TO RECALL BENCH WARRANT

BENCH WARRANT #: 19-2277

DSS CASE #:

BALANCE: \$5000.00 total for Bench Warrant

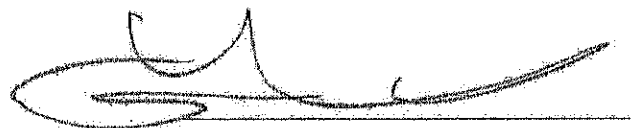
DATE LAST PAID:

It appearing that a Bench warrant was issued Oct 3, 2022, by the Honorable G. Jones in the name of Rhonda Meisner, the Plaintiff/Defendant in the above referenced action, for failure to comply with Sept 1, 2022 court order of contempt. and it now appearing that Rhonda Meisner, the Plaintiff/Defendant in the action, is currently in an on-going trial and need to be present.

It is now therefore Ordered that this Bench Warrant be, and hereby is, recalled.

AND IT IS SO ORDERED

10/20, 2022



FAMILY COURT JUDGE

FIFTH JUDICIAL CIRCUIT

 Outlook

Judicially created incarceration issues in violation of Turner v Roger 564 US 463(2011)

From scorequipment@gmail.com <scorequipment@gmail.com>

Date Fri 9/24/2021 9:23 AM

To lukerankin@scsenate.gov <lukerankin@scsenate.gov>

Cc scorequipment@gmail.com <scorequipment@gmail.com>

Good afternoon Senator Rankin,

I am writing with a heavy heart today.

I am in the middle of a multi-million dollar divorce and have not been awarded spousal support or an equitable distribution; however, I am now subject to incarceration because I have been unable to pay child support and have lost my legal representation.

I have met other women at the Richland County Family Court that have reported claims of abuse against them. I believe this to be a practice and pattern in the family court.

My husband's former attorney is now a sitting family court judge and his partners have on multiple occasions announced loudly that they were just in Judge Stricklin's office, so that the court officers and officials defer to them.

I successfully defended myself against a ridiculous DSS claim that my husband made, but only after a multi-day trial.

It is my understanding that at least one solicitor stated that he sees abuse allegations with high value divorce proceedings frequently.

I have also been in contact with Kayla Capps the deputy director of the children's advocacy center because the judges are not monitoring the private Guardian ad Litem and she has received multiple complaints. In my case, the Guardian, who admittedly has not completed his statutory educational requirements or received an exemption, has recently requested a fee cap to be increased to \$65,000; however, he has done nothing to protect my highly gifted children. My children have lost scholarship opportunities despite scoring a perfect score on the PSAT and a 1500 on the SAT because the Guardian is more concerned about his finances than what is best for the children.

I would like to suggest a hearing with a public notice requirement to see the number of affected parties.

It cannot be what South Carolina is about to have one party to multi-million dollar divorce incarcerated because the Court gives inequitable rulings.

Respectfully,

Rhonda Lewis Meisner

Post Office Box 689

Blythewood, SC 29016

scorequipment@gmail.com

(803)206-3402

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**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Rhonda Meisner, Appellant,

v.

Grant Meisner, Respondent.

Appellate Case No. 2019-001383

Appeal From Richland County
Monét S. Pincus, Family Court Judge

Unpublished Opinion No. 2022-UP-267
Submitted May 1, 2022 – Filed June 15, 2022

AFFIRMED

Rhonda Meisner, of Blythewood, pro se.

Sheila McNair Robinson, of Moore Bradley Myers, PA,
of West Columbia; and Katherine Carruth Goode, of
Winnsboro, for Respondent.

PER CURIAM: Rhonda Meisner (Wife) appeals a family court order granting Grant Meisner's (Husband's) motion to dismiss Wife's petition for an order of protection. On appeal, Wife argues the family court erred when it dismissed her petition and failed to accept evidence of the abuse at the hearing. We affirm pursuant to Rule 220(b), SCACR.

We hold the family court did not err by dismissing Wife's petition for an order of protection because Wife's petition did not include the date or time with details of the alleged abuse as required by section 20-4-40(b) of the South Carolina Code (2014). See *Simmons v. Simmons*, 392 S.C. 412, 414, 709 S.E.2d 666, 667 (2011) ("In appeals from the family court, this [c]ourt reviews factual and legal issues de novo."); *Lewis v. Lewis*, 392 S.C. 381, 392, 709 S.E.2d 650, 655 (2011) ("[A]n appellant is not relieved of his burden to demonstrate error in the family court's findings of fact. Consequently, the family court's factual findings will be affirmed unless 'appellant satisfies this court that the preponderance of the evidence is against the finding of the [family] court.'" (quoting *Finley v. Cartwright*, 55 S.C. 198, 202, 33 S.E. 359, 360-61 (1899))); § 20-4-40(b) ("A petition for relief *must* allege the existence of abuse to a household member. It *must* state the specific time, place, details of the abuse, and other facts and circumstances upon which relief is sought and must be verified." (emphases added)). Moreover, Wife's arguments that she should have been entitled to amend her petition and the family court erred by failing to address her request for separate support and maintenance is not preserved for review because they were not raised to and ruled on by the family court. See *Doe v. Doe*, 370 S.C. 206, 212, 634 S.E.2d 51, 55 (Ct. App. 2006) ("[W]hen an appellant neither raises an issue at trial nor through a Rule 59(e), SCRPC, motion, the issue is not preserved for appellate review.")¹

We further note that although the family court dismissed the petition with prejudice, the family court also ordered that Wife could bring the allegations in the private divorce litigation. This is consistent with section 20-4-40(d) of the South Carolina Code (2014).

AFFIRMED.²

GEATHERS and HILL, JJ., and LOCKEMY, A.J., concur.

¹ In her reply brief, Wife asserted that a complete reading of the statute provided that not all of the requirements in section 20-4-40(b) needed to be included in the petition, so long as they are presented at the subsequent hearing. She further argued the notice requirement under section 20-4-40 referred to the proceeding, not the pleadings. Because these issues were raised for the first time in Wife's reply brief, they are not properly before this court. See *Cont'l Ins. Co. v. Shives*, 328 S.C. 470, 474, 492 S.E.2d 808, 811 (Ct. App. 1997) ("An appellant may not . . . use the reply brief to argue issues not argued in the initial brief.").

² We decide this case without oral argument pursuant to Rule 215, SCACR.

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Melissa Leaphart Hagood, Appellant,

v.

James Buckner Hagood, Defendant.

Melody "Suzie" Hagood Sharpe, Third Party Defendant.

Of whom James Buckner Hagood and Melody "Suzie"
Hagood Sharpe are the Respondents.

Appellate Case No. 2016-001898

Appeal From Richland County
Monét S. Pincus, Family Court Judge

Opinion No. 5664
Heard December 4, 2018 – Filed July 17, 2019

**AFFIRMED IN PART, REVERSED IN PART, AND
REMANDED**

James Ross Snell, Jr. and Vicki D. Koutsogiannis, both
of Law Office of James R. Snell, Jr., LLC, of Lexington,
for Appellant.

Peter George Currence, of McDougall, Self, Currence &
McLeod, LLP, of Columbia, and Carrie Hall Tanner, of
Speedy, Tanner, Atkinson & Cook, LLC, of Camden, for
Respondents.

LOCKEMY, C.J.: In this appeal from a divorce decree, Melissa Hagood (Wife) argues the family court erred in (1) characterizing the majority of the estate as the nonmarital property of James Hagood (Husband), (2) equitably apportioning the majority of the marital property to Husband, and (3) refusing to award her alimony. We affirm in part, reverse in part, and remand.

FACTS

Wife and Husband married on August 8, 2004, and separated April 17, 2014. At the time of the separation, Wife was fifty years old and Husband was sixty-five years old. The parties share one child (Child), born in 2002. Husband has three grown children from a previous marriage.

In 1996, before the couple met, Husband inherited several large tracts of land in and around Blythewood, South Carolina, from his father. The properties included the following: a doublewide mobile home located on a one-acre tract of land at 837 Langford Road (837 Langford Road); 142 acres located at 1521 Muller Road (the Muller Road Property); and 159 acres on Langford Road (the Langford Road Property). Each of these properties were titled in Husband's name throughout the marriage, with the exception of the doublewide mobile home titled in his sister's name. When the parties met in 2002, Husband was living in the doublewide mobile home at 837 Langford Road. In December 2002, Wife and Child moved into the mobile home with Husband and lived there until July 2009.

In 2007, Husband received approximately \$3.6 million from the sale of the Langford Road Property. In that same transaction, Husband acquired an additional 8.1 acres on Muller Road, near the Muller Road Property. Soon thereafter, Husband used \$495,000 in proceeds from the sale of the Langford Road Property to construct a new home on the Muller Road Property. The home was completed in the summer of 2009, and the couple lived there continuously until their separation in April 2014.

The marriage began to deteriorate in the spring of 2014. On April 28, 2014, Wife initiated divorce proceedings against Husband, requesting custody of Child, child support, alimony, equitable division, and other related relief. By administrative order, the family court bifurcated the merits hearing in order to address the financial and custody issues separately. The family court held a hearing on June 15 and 16, 2016, to address the financial issues. At issue was the character, equitable division, and apportionment of: (1) the property and mobile home located at 837 Langford Road; (2) the marital home and Muller Road Property; (3) the

additional 8.1 acres on Muller Road; (4) several investment accounts; (5) two collectable vehicles—a green Corvette and a 1969 Camaro; (6) a 2014 Jeep Wrangler; (7) a horse named "Chevy"; and (8) two tractors. In addition, Wife requested alimony of "whatever the [c]ourt deemed necessary," and both parties requested attorney's fees. Neither party requested a specific percentage of the marital estate.

The family court issued a final order and divorce decree on August 2, 2016, granting Husband and Wife a no-fault divorce based on one year's continuous separation. In its order, the family court denied Wife's request for alimony; held the entirety of the real property and investment accounts were Husband's nonmarital property; and apportioned the horse, the John Deer tractor, the Jeep, and the 1969 Camaro to Husband. This appeal followed.

STANDARD OF REVIEW

The appellate court reviews decisions of the family court de novo. *Lewis v. Lewis*, 392 S.C. 381, 386, 709 S.E.2d 650, 652 (2011). The appellate court generally defers to the findings of the family court regarding credibility because the family court is in a better position to observe the witnesses and their demeanor. *Id.* at 389, 709 S.E.2d at 653. The party contesting the family court's decision bears the burden of demonstrating the family court's factual findings are not supported by the preponderance of the evidence. *Barrow v. Barrow*, 394 S.C. 603, 609, 716 S.E.2d 302, 305 (Ct. App. 2011) (citations omitted).

LAW/ANALYSIS

I. Marital Property

Wife argues the family court erred in failing to categorize and apportion as marital property: (1) the mobile home and property located at 837 Langford Road, (2) the marital home and the Muller Road Property (3) the investment and bank accounts, (4) the green Corvette, and (5) the John Deer tractor.

Section 20-3-630(A) of the South Carolina Code (2014) defines marital property as "all real and personal property which has been acquired by the parties during the marriage and which is owned as of the date of filing or commencement of marital litigation . . . regardless of how legal title is held." Section 20-3-630(A) specifies the following is nonmarital property:

(1) property acquired by either party by inheritance, devise, bequest, or gift from a party other than the spouse;

(2) property acquired by either party before the marriage
...;

(3) property acquired by either party in exchange for property described in items (1) and (2) of this section;
...

(5) any increase in value in nonmarital property, except to the extent that the increase resulted directly or indirectly from efforts of the other spouse during marriage.

S.C. Code Ann. § 20-3-630(A). Nonmarital property may be transmuted into marital property if: "(1) it becomes so commingled with marital property as to be untraceable; (2) it is jointly titled; or (3) it is utilized by the parties in support of the marriage . . . so as to evidence an intent by the parties to make it marital property." *Jenkins v. Jenkins*, 345 S.C. 88, 98, 545 S.E.2d 531, 537 (Ct. App. 2001) (citing *Pool v. Pool*, 321 S.C. 84, 86, 467 S.E.2d 753, 756 (Ct. App. 1996)). "Whether transmutation of separate property into marital property has occurred 'is a matter of intent to be gleaned from the facts of each case.'" *Simpson v. Simpson*, 377 S.C. 527, 538, 660 S.E.2d 278, 284 (Ct. App. 2008) (quoting *Johnson v. Johnson*, 296 S.C. 289, 295, 372 S.E.2d 107, 110 (Ct. App. 1988)).

"The spouse claiming transmutation bears the burden of producing objective evidence showing that, during the marriage, the parties themselves regarded the property as the common property of the marriage." *Greene v. Greene*, 351 S.C. 329, 338, 569 S.E.2d 393, 398 (Ct. App. 2002) (citations omitted). "The mere use of separate property to support the marriage, without some additional evidence of intent to treat the property as marital, is not sufficient to establish transmutation." *Id.*

A. Real Property

The family court found all real property in existence at the time of the divorce was Husband's nonmarital property. Wife argues the evidence presented at trial shows

the parties used the properties in support of the marriage in such a way as to transmute it to marital property.

As previously noted, Husband inherited the 837 Langford Road Property in 1996. He was living in a mobile home on the property with his sister and his daughter from a previous marriage when the parties met in 2002. Husband purchased the mobile home with proceeds from a certificate of deposit (CD) he had during his first marriage, but titled the mobile home in his sister's name. Wife and Child moved into the mobile home with Husband in 2002, prior to their 2004 marriage, and lived there with him until they moved into their new home in July 2009. Wife testified she, along with Husband, made improvements to the property such as installing insulation, working on the well, putting up a fence, and taking care of the dogs.

According to the record, the 837 Langford Road Property remained solely titled in Husband's name and remained traceable as nonmarital property throughout the marriage. Although Wife assisted in the care of the property, she did not make any significant contributions to this property. While Husband and Wife lived in the mobile home, Husband's sister owned it. Accordingly, Wife did not meet her burden to prove the 837 Langford Road Property transmuted to marital property.

Wife also claims the marital home and the Muller Road Property are marital property. Husband inherited the Muller Road Property from his father prior to the marriage and chose it as the site to build the marital home. Husband deposited \$495,000 of the proceeds from the sale of the nonmarital Langford Road Property into a separate account exclusively for the construction of the home. Husband used this account to pay for the construction of the home and the work on the surrounding land. Furthermore, Husband titled the home and property in his name only.

Wife acknowledged at the final hearing that Husband paid to construct the home. Nevertheless, she claims the marital home and the Muller Road property transmuted to marital property because the parties utilized them in support of the marriage. Wife testified she was involved in the planning and building of the home, such as selecting the house plan, brick, and roof. She stated she participated in the landscaping and removed rocks from the property in preparation for building the home. Wife also stated she was involved in the continued maintenance of the home, especially after Husband became ill. She planted and maintained a garden, maintained the creek, and insulated pipes.

Transmutation is a matter of intent of the parties to treat the property as common property of the marriage. *Johnson*, 296 S.C. at 295, 372 S.E.2d at 110. Wife did not contribute financially to the construction of the home. The parties did not use marital funds to build equity in the property. The home and property remained in Husband's name throughout the marriage. Furthermore, Wife did not present evidence that Husband intended for the home to be a marital asset. While the parties used the home in support of the marriage, "[t]he mere use of separate property to support the marriage, without some additional evidence of intent to treat it as property of the marriage, is not sufficient to establish transmutation." *Id.* at 295-96, 372 S.E.2d at 111. Therefore, we do not find the home and Muller Road Property transmuted to marital property.

However, Wife was significantly involved in the construction as well as the care and maintenance of the home. While we do not find these contributions satisfy the burden to prove transmutation, Wife's efforts in the construction and maintenance of the home added value to the home during the marriage. Section 20-3-630(A)(5) of the South Carolina Code allows a spouse to receive a special equity interest in the increase in the value of nonmarital property when the spouse contributes directly or indirectly to the increase. We recognize the contributions of a spouse to nonmarital property through the award of a special equity interest in such property. *See Murray v. Murray*, 312 S.C. 154, 159, 439 S.E.2d 312, 316 (Ct. App. 1993) ("A spouse has an equitable interest in appreciation of property to which she contributed during the marriage, even if the property is nonmarital."). Wife is entitled to a special equity interest based on her contributions to such property. As such, we remand this case to the family court to determine the amount of Wife's special equity interest.

B. Bank Accounts

On June 22, 2007, Husband deposited the \$3,602,952.08 in proceeds from the sale of the Langford Road Property into various accounts with Wachovia and Community Resource Bank. On appeal, Wife asserts the family court erred in finding three of the Wachovia accounts were Husband's nonmarital property. Because her name appeared jointly with Husband's name on these accounts, Wife argues the accounts transmuted to marital property.

Husband deposited \$25,000 of the proceeds from the sale of the Langford Road Property into a joint account Wife established with Wachovia before the marriage (the Wachovia Account). The family court's order does not specifically address the character of this account as marital or nonmarital. With regard to the bank

accounts generally, the family court's order stated, "Each party shall maintain the sole ownership, use and possession of any other bank accounts not listed herein in that party's name." On appeal, Husband states the family court did not find this account was a marital asset. He concedes this account is Wife's nonmarital property.

Wife also argues two other accounts opened with Wachovia at the time of the Langford Road Property sale, the Crown Account and the Money Market Account, are also transmuted nonmarital property. In its final order, the family court traced a portion of the proceeds from the sale of the Langford Road Property through these accounts and ultimately to an investment account, but it did not rule on the character of the accounts. The record indicates Husband closed the Money Market Account in 2007. We cannot determine from the record whether the Crown Account existed when the marital litigation commenced. Nonetheless, "[t]o preserve an issue for appellate review, the issue cannot be raised for the first time on appeal, but must have been raised to and ruled upon by the trial court." *Doe v. Doe*, 370 S.C. 206, 212, 634 S.E.2d 51, 54 (Ct. App. 2006) (citations omitted). The family court did not address the character of the Crown Account or the Money Market Account. In addition, Wife did not file a Rule 59(e) motion to alter or amend the family court's order to address the character of these accounts. Therefore, the status of the Crown Account and the Money Market Account as marital or nonmarital is not preserved for our review.

C. Investment Accounts

Wife also argues the family court should have found the three investment accounts Husband holds in his name with Wells Fargo are marital property. After the sale of the Langford Road Property, Husband deposited \$1 million of the proceeds into an account with Community Resource Bank. He immediately used \$500,000 of the \$1 million to purchase three CDs. Husband bought one CD for \$200,000 in his name only, one CD for \$200,000 in his and Child's names, and one CD for \$100,000 in Husband and Wife's names¹. In 2009, the two \$200,000 CDs matured. Husband invested the proceeds from these two CDs into two investment accounts

¹ Husband testified Wife borrowed against this CD. Wife made some loan payments, but Husband testified he paid off the balance and cashed out the CD, depositing the proceeds into a money market account prior to the commencement of the marital litigation. Neither the character of this CD nor its proceeds are at issue in this appeal.

at Wachovia (now Wells Fargo). Husband still possessed these accounts at the time of the final hearing.

Husband also funded the other investment account with proceeds from the sale of the Langford Road Property. On June 22, 2007, the date of the property sale, Husband opened the two accounts mentioned above, the Crown Account and the Money Market Account. Husband opened the Money Market Account in his name only and deposited \$1,477,952.08 into the account. Husband opened the Crown Account in his and Wife's names and deposited \$1.1 million into the account. On July 3, 2007, Husband transferred \$1 million from the Crown Account to the Money Market Account. On July 6, 2007, Husband used the \$1 million from the Money Market Account to purchase tax free bonds, which now represents the third Wells Fargo investment account.

As our supreme court explained in *Miller v. Miller*, 293 S.C. 69, 71, 358 S.E.2d 710, 711 (1987), "An unearned asset that is derived directly from nonmarital property also remains separate unless transmuted, as does property acquired in exchange for nonmarital property." These three accounts are traceable to the nonmarital proceeds from the sale of the Langford Road Property. In addition, the parties do not dispute the accounts originated from the \$3.6 million Husband received from the sale of nonmarital property. While part of the proceeds passed through a joint account held by the parties, "the act of depositing an inheritance into the parties' joint account does not automatically render the inherited funds to be marital property." *Sanders v. Sanders*, 396 S.C. 410, 416, 722 S.E.2d 15, 17 (Ct. App. 2011). We find no evidence in the record to support a determination that these accounts transmuted to marital property. Accordingly, the family court correctly held these three investment accounts were Husband's nonmarital property.

D. Personal Property

Wife also argues the family court erred in finding the green Corvette and John Deer tractor were Husband's separate property.

Wife testified Husband borrowed money for the purchase of the green Corvette against two acres of the Muller Road Property. She further testified Husband paid off the loan using money from the sale of the Langford Road Property. Finally, Wife asserted Husband gave her the green Corvette as a gift and she considered it to be her property. In contrast, Husband presented the vehicle's title, which was in

his name only, as well as a receipt showing the \$5,000 he put down on the vehicle was earnest money he received for the sale of the Langford Road Property.

Husband purchased the John Deere tractor during the marriage, but with funds from the sale of the Langford Road Property as evidenced by Husband's bank records. The tractor was also titled in his name. The only testimony Wife presented regarding her use of the tractor was that Husband taught her to drive it, and she occasionally drove it.

"[A]ny property inherited by a spouse, and any property acquired in exchange for such inherited property, is not 'property of the marriage.'" *See Hussey v. Hussey*, 280 S.C. 418, 422, 312 S.E.2d 267, 270 (Ct. App. 1984)). Husband purchased both the green Corvette and the John Deere tractor with funds from the sale of inherited property and titled them in his name. Accordingly, the family court did not err in determining the green Corvette and John Deere tractor were Husband's nonmarital property.

II. Equitable Distribution

The family court found the following assets were marital property: a Mazda Tribute, a 1969 Camaro, the horse, a 2014 Jeep Wrangler, and Wife's Thrift Savings Plan with the postal service. The family court also found the parties owed \$28,000 on the 2014 Jeep Wrangler as a marital debt. The family court apportioned the Mazda Tribute and the Thrift Savings Plan to Wife and all other marital assets to Husband. The family court ordered Husband to sell the 2014 Jeep Wrangler and use the proceeds to pay off the debt. On appeal, Wife argues the family court erred in the overall apportionment of the marital estate, focusing her argument on the apportionment of the horse and the 1969 Camaro to Husband.

Section 20-3-620(B) of the South Carolina Code (2014) lists fifteen factors for the family court to consider in equitably apportioning the marital estate. These factors consist of:

- (1) the duration of the marriage together with the ages of the parties . . . ;
- (2) marital misconduct or fault of either or both parties . . . ;
- (3) the value of the marital property . . . ;
- (4) the income of each spouse, the earning potential of each spouse, and the opportunity for future acquisition of capital assets;
- (5) the health, both physical and emotional, of each spouse;
- (6) the need of each spouse or

either spouse for additional training or education in order to achieve that spouses's income potential; (7) the nonmarital property of each spouse; (8) the existence or nonexistence of vested retirement benefits for each or either spouse; (9) whether separate maintenance or alimony has been awarded; (10) the desirability of awarding the family home as part of equitable distribution or the right to live therein for reasonable periods to the spouse having custody of any children; (11) the tax consequences to each or either party as a result of any particular form of equitable apportionment; (12) the existence and extent of any support obligations, from a prior marriage or for any other reason or reasons, of either party; (13) liens and any other encumbrances upon the marital property, which themselves must be equitably divided . . . and any other existing debts incurred by the parties or either of them during the course of the marriage; (14) child custody arrangements and obligations at the time of the entry of the order; and (15) such other relevant factors as the trial court shall expressly enumerate in its order.

S.C. Code Ann. § 20-3-620(B). "On appeal, this court looks to the overall fairness of the apportionment and it is irrelevant that this court might have weighed specific factors differently than the family court." *Id.*

Initially, we note neither party asked for a specific percentage of the marital estate. In addition, the family court considered all of the relevant factors as evidenced by its order. As noted by the family court, the marital debt exceeded the value of the marital assets. While Husband received several marital assets, the family court also made him responsible for the marital debt. Wife received several assets without responsibility for the marital debt. As such, the family court did not err in its apportionment of the marital property.

III. Alimony

Finally, Wife argues the family court erred in denying her request for alimony. Specifically, Wife contends the family court failed to give sufficient weight to the standard of living the parties enjoyed during the marriage. In the alternative, Wife asserts the family court should have ordered rehabilitative alimony.

Alimony is a substitute for the support normally incident to the marital relationship. *Spence v. Spence*, 260 S.C. 526, 529, 197 S.E.2d 683, 684 (1973). "Generally, alimony should place the supported spouse, as nearly as is practical, in the same position he or she enjoyed during the marriage." *Allen v. Allen*, 347 S.C. 177, 184, 554 S.E.2d 421, 424 (Ct. App. 2001).

Factors to be considered in making an alimony award include: (1) duration of the marriage; (2) physical and emotional health of the parties; (3) educational background of the parties; (4) employment history and earning potential of the parties; (5) standard of living established during the marriage; (6) current and reasonably anticipated earnings of the parties; (7) current and reasonably anticipated expenses of the parties; (8) marital and nonmarital properties of the parties; (9) custody of children; (10) marital misconduct or fault; (11) tax consequences; and (12) prior support obligations; as well as (13) other factors the court considers relevant.

Id. (citing S.C. Code Ann. § 20-3-130(C) (2014)). No one of the above factors is dispositive. *Lide v. Lide*, 277 S.C. 155, 157, 283 S.E.2d 832, 833 (1981).

In its order, the family court addressed each factor in section 20-3-130(C). The parties were married for ten years. At the time of the divorce, Husband was sixty-five and Wife was fifty. Husband is in poor health, while Wife recently had shoulder surgery and will require therapy before she is able to work. Wife has a high school education; Husband has training from the Air Force as well as two years of community college. Wife acknowledged she could return to work and receive an annual salary of \$40,000 to \$50,000 with the postal service and Husband receives social security, rental income, and interest from his investment accounts totaling approximately \$5,600 per month. Wife alleged Husband was physically violent toward her, but the family court did not consider her claims credible and did not find fault on behalf of either party. Both parties have significant attorney's fees and financial obligations to support their child, although Wife does not have custody. These factors do not weigh in favor of an alimony award to Wife.

However, we find the family court gave insufficient weight to the parties' standard of living and Husband's significant nonmarital property. During the marriage, the parties moved from a mobile home to a large new home. Wife and Husband frequently traveled to car shows and purchased numerous collectable cars. Wife received several large cash gifts from Husband. In addition, Husband has over \$3 million in nonmarital assets according to his financial declaration. We find Wife should be allowed alimony in some form. Thus, we remand the issue of alimony to the family court to determine the appropriate type and amount of alimony Wife should receive.

CONCLUSION

Based on foregoing, we affirm the family court's determination that the 837 Langford Road Property, the Muller Road Property and the marital home, the investment accounts, and the personal property are nonmarital property. However, we find Wife is entitled to a special equity interest in the marital home and the Muller Road Property. We remand this case to the family court to determine the special equity interest Wife is entitled to because of her contributions to the home and property. In addition, we remand to the family court to determine the type and amount of alimony award to Wife. The family court's order is

AFFIRMED IN PART, REVERSED IN PART, AND REMANDED.

GEATHERS and MCDONALD, JJ., concur.

 Outlook

Re: Emergency hearing tomorrow

From Brett Stevens <brett@brettstevenslaw.com>

Date Tue 4/28/2020 8:37 AM

To Rhonda Meisner <scorequipment@gmail.com>

That's fine, Rhonda. Please use whatever I have given you in support of your case. I have your case file as well. Let me know if you want to come pick it up or if you need anything out of it.

I hope you are well!
Brett

On Tue, Apr 28, 2020 at 11:19 AM Rhonda Meisner <scorequipment@gmail.com> wrote:
Good afternoon Brett,

We have an emergency hearing scheduled tomorrow and if you approve, I would like to use the alimony and child support calculator you gave me earlier this year. Please let me know.

Warm regards,

Rhonda Meisner, South Carolina Sales Manager

South Carolina Operating Room Equipment, LLC

Post Office Box 689

Blythewood, S.C. 29016

(803)333-9900

(803)206-3402

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Brett L. Stevens
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Please be advised that I am working reduced hours from home during this time. Thank you for your patience. I will respond to emails and set conference calls as I am able.

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Alimony Calculator

Prepared By: Brett L. Stevens

Alimony = 8,894

Child Support = 1,178

	Husband	Wife
<u>Tax Information</u>		
Monthly Income:	26,500	1,584
Annual Gross Income:	318,000	19,008
Filing Status:	Single	Single
<u>Child Support Information</u>		
Number of Children:	3	
Health Insurance:		
Extraordinary Medicals:		
Pre-Tax Child Care:		
Prior Support:		
Additional Dependents:		
<u>Other Obligations</u>		
Payroll Deductions:		
Other Obligations:		
<u>Results</u>		
Alimony:	-8,894	8,894
Child Support:	1,178	-1,178

Disposable Income:	9,111	9,112
Net Alimony Cost/Benefit:	-7,894	7,894

<u>Payments</u>	<u>Base</u>	<u>+ 5% Costs</u>
Alimony.....		
Monthly	8,894	9,338.70
Semimonthly	4,447	4,669.35
Biweekly	4,105	4,310.17
Weekly	2,052	2,155.08
Child Support.....		
Monthly	1,178	1,236.90
Semimonthly	589	618.45
Biweekly	544	570.88
Weekly	272	285.44

	Husband	Wife
<u>Disposable Income Calculations</u>		
Monthly Income:	26,500	1,584
Federal Taxes:	-6,844	-57
State Taxes:	-1,670	-10
FICA/Medicare:	-1,159	-121
Other Payroll Deductions:		
Other Obligations:		
<u>Prior Support:</u>		
Net Monthly Income:	16,827	1,396
After-Tax Alimony:	-8,894	8,894
Child Support:	1,178	-1,178
<u>Other Support Items:</u>		
Net Disposable Income:	9,111	9,112
<u>Tax Calculations</u>		
Gross Income:	318,000	19,008
Deductions:	-12,200	-12,200
Taxable Income (without alimony):	305,800	6,808
Federal Taxes (without alimony):	82,124	681
State Taxes (without alimony):	20,038	124
Taxable Income (with alimony):	305,800	6,808
Federal Taxes (with alimony):	82,124	681

State Taxes (with alimony):	20,038	124
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After-Tax Alimony Calculation

Fed. Taxes w/o Alimony Adjustment:	82,124	681
------------------------------------	--------	-----

State Taxes w/o Alimony Adjustment:	20,038	124
-------------------------------------	--------	-----

Total Taxes w/o Alimony Adjustment:	102,162	805
-------------------------------------	---------	-----

Fed. Taxes with Alimony Adjustment:	82,124	681
-------------------------------------	--------	-----

State Taxes with Alimony Adjustment:	20,038	124
--------------------------------------	--------	-----

Total Taxes with Alimony Adjustment:	102,162	805
--------------------------------------	---------	-----

Difference in Annual Taxes:

Difference in Monthly Taxes:

	Husband	Wife
<u>Net Cost/Benefit of The Alimony</u>		
Alimony:	8,894	8,894
Difference In Taxes:		
Difference In Child Support	-1,000	-1,000
<hr/>		
Net Cost/Benefit of Alimony	-7,894	7,894
<u>Child Support - Worksheet A</u>		
Monthly Income:	26,500	1,584
Allimony:	-8,894	8,894
Other Support Obligations:		
Add. Dependents Deduction:	[0]	[0]
Net Monthly Income:		
Total Income:	28,084	
<hr/>		
Health Insurance:		
Extraord. Med. Exp.:		
Child Care:	[]	[]
Total Adjustments:		
<hr/>		
Basic Support from Tables:	3,157	
Total Adjustments:		
Total Support Needed:	3,157	
<hr/>		
Percentage of Total Income:	62.7%	37.3%

Share of Basic Support:	1,979	1,178
Other Spt. Adjustments:		
Monthly Support:	1,979	1,178

Camden, SC 29021

(803) 425-7228

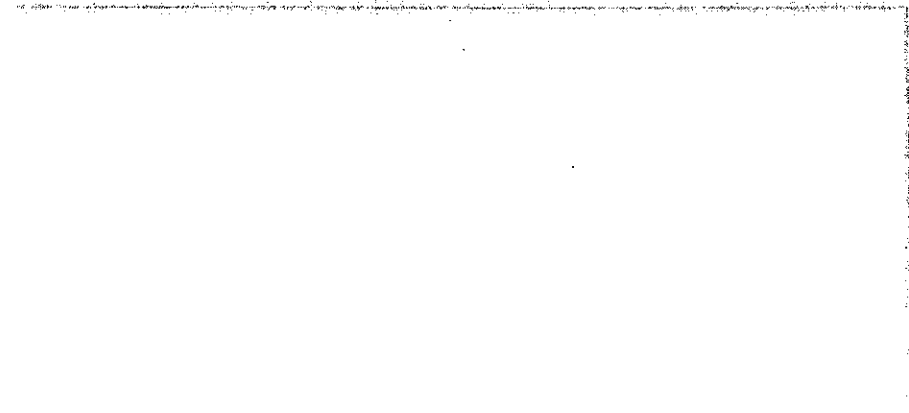
mrankin@sccourts.org

From: Allison Driggers <allison.driggers@smithrobinsonlaw.com>
Sent: Friday, September 8, 2023 10:54 AM
To: Rankin, Michael S. Secretary (Nichole A. Todd) <mrankin@sccourts.org>
Cc: Shanon Peake <shanonp@smithrobinsonlaw.com>; scorequipment@gmail.com;
sheila@mbmlawsc.com
Subject: Meisner v. Meisner Civil Action No.: 2019-DR-40-02277

***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Good morning Judge Rankin, I am following up with you regarding the Order in the above referenced case. The attached Order is for the hearing on Defendant Rhonda Meisner's Motion to Compel, which was held on July 12, 2023. Please let me know if I need to file the document through the family court or if there is anything else I need to do.

Thank you,



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 Outlook

RE: RTSC Order instructionstt

From scorequipment@gmail.com <scorequipment@gmail.com>

Date Fri 9/24/2021 8:16 AM

To 'Jones, Gwendlyne Y.' <gjonesj@sccourts.org>; 'Sheila Robinson' <sheila@mttlaw.com>

Cc dick.whiting@whitinglawsc.com <dick.whiting@whitinglawsc.com>

Good Morning Judge Jones,

The actual dates for the request for spousal support and equitable distribution are as follow:

July 18, 2019 before the honorable Michelle Hurley

November 18, 2019 before the Honorable M. Scott Rankin

April 29, 2020 before the Honorable Rosalyn Frierson-Smith

October 5, 2020 before the Honorable M. Scott Rankin

February 3, 2021 before the Honorable Michelle Hurley

July 20, 2021 before the Honorable M. Scott Rankin

September 21, 2021 before the Honorable Rosalyn Frierson- Smith

There are no allegations that would preclude spousal support.

Respectfully,

Rhonda Meisner

From: Jones, Gwendlyne Y. <gjonesj@sccourts.org>

Sent: Thursday, September 23, 2021 12:52 PM

To: scorequipment@gmail.com; 'Sheila Robinson' <sheila@mttlaw.com>; dick.whiting@whitinglawsc.com

Subject: RE: RTSC Order Instructions

All:

In response to Ms. Meisner's email, please clarify the following in the preparation of the order:

- Defendant made several requests for alimony, or advancements toward equitable distribution at previous hearings. All requests were denied. A request for alimony, reduction in child support or advancement toward equitable distribution was not before me.
- The Defendant lists the "loaned amounts" in the *other income* section of her financial declaration.
- The Court's ruling regarding the contempt action remains as ordered. The Defendant has 5 days from the *filing* of my order to comply. Upon the filing of an affidavit from Plaintiff that Defendant has not complied, a bench warrant shall be issued for her arrest.

Gwendlyne Y. Jones

Family Court Judge

Fifth Judicial Circuit

1701 Main Street Columbia, SC 29201

P.O. Box 192 Columbia, SC 29202

Phone: (803) 576-1760

Facsimile: (803) 576-1763

gjonesj@sccourts.org

From: scorequipment@gmail.com <scorequipment@gmail.com>

Sent: Thursday, September 23, 2021 8:55 AM

To: Jones, Gwendlyne Y. <gjonesj@sccourts.org>; 'Sheila Robinson' <sheila@mttlaw.com>;

click.whiting@whitinglawsc.com

Cc: scorequipment@gmail.com

Subject: RE: RTSC Order instructions

*** **EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Dear Judge Jones,

I am unable to pay these amounts and will be forced to go to jail for six months which will be very detrimental to my children.

I would like to bring your attention to some of the terms of your Order and request you consider delaying these payments until the final hearing.

1. The "loaned amounts" from the companies are noted on the financial declaration under the income section as other income; however, I am personally only receiving \$43.59 monthly from my pension and I am borrowing all of the money that I am using from others including the companies.
2. The memo order also stated that I have not filed for alternative relief; however, I have had multiple motions for Temporary Relief and requested spousal support that would eliminate any payment of child support as an offset to the amount owed, with no relief from the Court. I even requested spousal support and the back due spousal support at the hearing as an affirmative defense to the amounts owed as being premature until final hearing.
3. Additionally, the HOA fees and the mortgage payments are stayed by the filing of the Notice of Appeal and as argued those orders were all appealed.
4. The requirement to sign over the title is not stayed; however, I do not believe that I can comply with that Order in 5 days because it will take more time than that to complete any required process. Upon Information and belief, *My soon to be ex-husband has the title*. I will attempt to get

the replacement title tomorrow, but may not be able to comply within the short 5 day time frame.

(b) Exceptions. The exceptions to the general rule are found in statutes, court rules, and case law. Where specific conditions must be met before the exception applies, those conditions must be strictly complied with. A list of some, but not all, of the exceptions to the general rule is:

- (1) Money judgments as provided in S.C. Code Ann. § 18-9-130.
- (2) Judgments directing the assignment or delivery of documents or personal property as provided in S.C. Code Ann. § 18-9-150.
- (3) Judgments directing the execution of conveyances or other instruments as provided in S.C. Code Ann. § 18-9-160.
- (4) Judgments directing the sale or delivery of possession of real property as provided in S.C. Code Ann. § 18-9-170.
- (5) Judgments directing the sale of perishable property as provided in S.C. Code Ann. § 18-9-220.
- (6) Family court orders regarding a child or requiring payment of support for a spouse or child as provided in S.C. Code Ann. § 63-3-630.
- (7) Worker's compensation awards as provided in S.C. Code Ann. § 42-17-60.
- (8) An appeal from an order granting an injunction or temporary restraining order.
- (9) Family court orders awarding temporary suit costs or attorney's fees as provided in S.C. Code Ann. § 63-3-530(A)(2).
- (10) Ejectment orders as provided in S.C. Code Ann. § 27-37-130 and S.C. Code Ann. § 27-40-800.
- (11) Appeals from administrative tribunals as provided in S.C. Code Ann. § 1-23-380(A)(2) and § 1-23-600 (G)(5).

Respectfully,

Rhonda Meisner

From: Jones, Gwendlyne Y. <gjones@sccourts.org>

Sent: Wednesday, September 22, 2021 1:25 PM

To: Sheila Robinson <sheila@mttlaw.com>; Rhonda Meisner <scorequipment@gmail.com>;

'dick.whiting@whitinglawsc.com' <dick.whiting@whitinglawsc.com>

Subject: RTSC Order Instructions

Attached, please find instructions for the preparation of the order from the hearing held on September 9, 2021.

Sincerely,

Gwendlyne Y. Jones
Family Court Judge
Fifth Judicial Circuit
1701 Main Street Columbia, SC 29201
P.O. Box 192 Columbia, SC 29202
Phone: (803) 576-1760
Facsimile: (803) 576-1763

gjonesj@sccourts.org

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STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

GRANT MEISNER,

PLAINTIFF,

VS.

RHONDA MEISNER,

DEFENDANT.

IN THE FAMILY COURT OF THE

FIFTH JUDICIAL CIRCUIT

C.A. NO.: 2019-DR-40-2277

**AFFIDAVIT IN SUPPORT OF  
ATTORNEY'S FEES FOR PLAINTIFF  
FOR FINAL MERITS HEARING  
( Through July 21, 2023 )**

Personally appeared before me, Sheila McNair Robinson, who, after being duly sworn, deposes and states as follows:

1. Affiant is an attorney in private practice and has been retained to represent the legal interests of Plaintiff, GRANT MEISNER, in this action.

2. Affiant's legal practice has always been predominantly domestic, and presently, 100% of her work is domestic.

3. Affiant incorporates herein Rule 23, Rules of the South Carolina Supreme Court, which contains the Canons of Professional Ethics and further calls the attention of the Court to the holdings in Glasscock v. Glasscock, 403 S.E.2d 313 (1991); Nienow v. Nienow, 232 S.E.2d 504 (1977); and Mitchell v. Mitchell, 320 S.E.2d 706 (1984), concerning the factors and criteria which should be considered in the setting of attorney's fees; and she relies upon the discretion of this Court in the determination of the amount of fees, based upon the Court's file, the Court's knowledge of the litigation between the parties, which reflects the difficulty of the services rendered, the time necessarily expended, the result accomplished, the fact that there is no contingency of compensation in a domestic relations case, the professional standing of counsel, and fees customarily charged in this area for similar legal services.

4. Affiant is informed and believes that, during the preparation of this case, the time spent, as set forth more fully hereinafter, was necessary for the protection of the client's interests.

5. Upon Plaintiff's retaining of Affiant, Plaintiff was informed by the office that he would be charged an hourly rate of Three Hundred Fifty (\$350.00) Dollars per hour by Sheila McNair Robinson; One Hundred Seventy-Five (\$175.00) Dollars per hour by Associate Attorneys; and One Hundred (\$100.00) Dollars to One Hundred Fifty (\$150.00) Dollars per hour for Paralegal time.

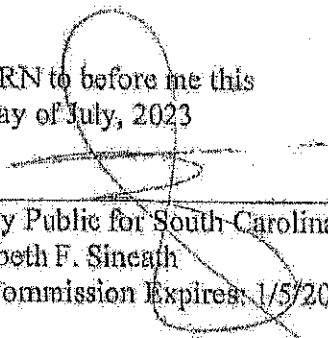
6. Affiant, in accordance with her time and expense records, which are maintained on a daily basis, states to the Court that through July 21, 2023, her fees and costs have been \$384,023.08. She expects to incur additional time representing Plaintiff in this case at the final merits hearing and in drafting the final Order.

7. Based on the time necessarily devoted to this case, the other criteria which have been held to be relevant in the setting of attorney's fees, costs and suit money, and the fact that Plaintiff has insufficient finances to enable him to pay for this action, Affiant, on behalf of her client, requests that this Court review the file herein, together with this Affidavit, and grant judgment in favor of the undersigned's client against Defendant in a sum which may be determined by the Court to be reasonable as attorney's fees, costs and suit money, and that Defendant be required to pay the same within a reasonable time as may be determined by the Court.

Further Affiant Sayeth Not.

  
Sheila McNair Robinson

SWORN to before me this  
31<sup>st</sup> day of July, 2023

  
Notary Public for South Carolina  
Elizabeth F. Sincath  
My Commission Expires 1/5/2027

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF RICHLAND )  
 )  
 Grant Meisner, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 Rhonda Meisner, )  
 )  
 Defendant. )

IN THE FAMILY COURT  
 FIFTH JUDICIAL CIRCUIT

DOCKET NO. 2019-DR-40-2277

**AFFIDAVIT OF ATTORNEY'S FEES**

Comes now, Brett L. Stevens, the former attorney for Defendant in this matter, who being first sworn states as follows:

1. The charges incurred in this matter on behalf of Rhonda Meisner are set forth in the attached billing records which can be summarized as follows:

**TOTALS:**

**2019-DR 40-2277 (Divorce Action)**

|              |                         |
|--------------|-------------------------|
| Billed Time: | \$6,597.50 (49.3 hours) |
| Costs:       | \$182.05                |
| Total:       | \$6779.55               |

- Amount unpaid as of 11/3/2022: \$2528.15
2. Attorney time in this case was charged at \$150.00 per hour which is lower than the fee normally charged in the area for similar services;
  3. I believe all actions taken on behalf of Defendant were reasonable and necessary in the course of litigation;
  4. I have been licensed to practice law in South Carolina since 2006;
  5. I have almost exclusively practiced family law since I opened my own practice in August of 2016;
  6. I have a J.D. from the University of South Carolina (2006); a Master's Degree in English from Clemson University (2001); and a Bachelor's Degree in English and Theatre from Presbyterian College (1999);
  7. This was a difficult case in that it was very litigious, a DSS case was initiated, and an emergency hearing was held at the initiation of this case;

8. I represented Ms. Meisner until she could no longer finance litigation;
9. Further, deponent sayeth naught.

---

Brett L. Stevens, S.C. Bar No. 73830  
Stevens Law, LLC  
1822 Bull Street  
Columbia, South Carolina 29201  
T: (803) 587-8506  
E: Brett@BrettStevensLaw.com

Sworn to and Subscribed before me  
This \_\_\_\_\_ day of \_\_\_\_\_, 2022

---

Notary Public for South Carolina  
Printed Name of Notary: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_