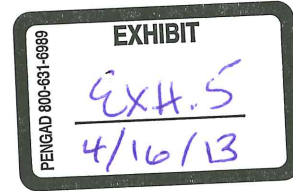


**JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE**

Court, Position, and Seat # for which you are applying:
Master-in-Equity, Dorchester County



1. NAME: Mr. James E. Chellis
BUSINESS ADDRESS: 112 West 4th North St.
Summerville, SC 29483
TELEPHONE NUMBER: (office): (843) 871-7765
2. Date of Birth: 1951
Place of Birth: Summerville, SC
3. Are you a citizen of SC? Yes
Have you been a resident of this state for at least the immediate past five years? Yes
5. Family Status: Married on August 3, 1974, to A'delle H. Chellis. Never divorced; two children.
6. Have you served in the military? No
7. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.
USC, September 1970 - December 1973, BA (Major: Intensive English);
Baptist College at Charleston, February, 1972 - May, 1972) (I took 2 courses in the spring of 1972 while convalescing from a gunshot wound suffered while hunting), no degree;
USC School of Law, September, 1974 - May 1977, JD.
8. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. If you took the bar exam more than once in any of the states listed, please indicate the number of times you took the exam in each state.
SC, 1977
9. List the significant activities in which you took part during your attendance at college, graduate, and law school. Give the dates you were involved in these activities and list any leadership positions you held.
(a) Athletic scholarship: member of the USC Swim Team 1970-71, and 1972-73;
(b) Member: Kappa Alpha Order, September 1970 – December 1973.
10. Describe your continuing legal or judicial education during the past five years. Include only the title and date of any continuing legal or judicial education course completed.

<u>Conference/CLE Name:</u>	<u>Date:</u>
(a) 17 th Annual Criminal Practice in SC	10/05/07;
(b) 23rd Annual SC Criminal Law Update	01/25/08;
(c) It's All A Game . . . Tackling Evidence	02/08/08;
(d) 2008 RPWB Current Litigation Seminar	05/01-02/08;
(e) Masters In Cross Examination—Cross Examining Experts	12/06/08;
(f) 25 th Annual Title Insurance Claims and Underwriting Seminar	10/08;
(g) Electronic Courtroom Training	12/07/09;
(h) Ethics of Asset Protection	12/15/09;
(i) 26 th Annual Title Insurance Claims and Underwriting	11/11/10;

- (j) 32nd Annual Duke University Estate Planning Conference 10/14/10;
- (k) Handling Real Estate Transactions 11/09/10;
- (l) Title Insurance Claims & Underwriting 11/10/10;
- (m) Cir/Ct Civil Mediation & Advanced Negotiation of Advocates 08/25/11.
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs?
- (1) I have lectured and written the materials for the following continuing legal education seminars in the real property and probate law:
- | <u>Course/Lecture Name:</u> | <u>Date:</u> |
|--|--------------|
| (a) Legislative Update (SC Real Estate Law)" Written Text & Lecture (National Business Institute) | 2010; |
| (b) "Financing Commercial Property Acquisitions, Written Text & Lecture (National Business Institute)" | 2009; |
| (c) "Transfers of Title to Real Property in SC (Deeds and Warranties, Confidential Relationships and Undue Influence; Suing on the General Warranty and Recovery of Attorneys Fees)" Written Text & Lecture (National Business Institute) | 2009; |
| (d) "The Quiet Title Suit and Other Actions" Written Text & Lecture (National Business Institute) - focused on proof of the heirs & devisees utilizing web based researching; procedural requirements; proposed methods of calculating the property interest to plead the chain of title using spreadsheet software. | 2006 & 2009; |
| (e) "Monetary Settlements and Escrow Agreements" Written Text & Lecture (National Business Institute) | 2006; |
| (f) "Tips for Drafting Estate Planning Documents" Lecture (National Business Institute) | 2006; |
| (g) "How to Administer Trusts & Estates to Anticipate and Avoid Litigation" written text & lecture (National Business Institute) | 2006; |
| (h) "Party Wall, Driveways/Roads, Agreements and Other Party Agreements" Written Text & Lecture (National Business Institute) | 2006; |
| (i) "Access and Road Issues" Written Text & Lecture (National Business Institute) | 2006; |
- (2) I have lectured at the American Society for Engineering Educators, Southeastern Section; the topic: "Business Planning for Engineering Firms" Lecture Annual Meeting, Charleston, SC 2001;
- (3) I have lectured, and conducted question and answer seminars, through the SC Pro Bono Program in Estate Planning: Wills, Trusts & General Durable Power Of Attorney; and the Probate Administration Process Spring 2009 & 2012;
- (4) I have lectured, and conducted question and answer seminars, through the Senior Adults Program at Bethany United Methodist Church Summerville, SC in Estate Planning: Wills, Trusts & General Durable Power Of Attorney; and the Probate Administration Process.
12. List all published books and articles you have written and give citations and the dates of publication for each. None.

13. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.

- (a) Supreme Court of SC and all Courts of the State of SC, November 9, 1977;
- (b) Federal District Court for the District of SC, approximately 1980 and Fourth Circuit Court of Appeals for the 4th Circuit, approximately 1980.

14. Describe chronologically your legal experience since graduation from law school and include a list of all law firms with which you have been associated. Describe the general character of your practice and divide it into periods with dates if its character has changed over the years.

Since my admission to the SC Bar, I have engaged solely in the general practice of law in Summerville, SC. The following are the dates and names of the law practices in which I have been a partner or, in the case of my solo-practice, the owner.

- (a) Prettyman, Chellis & Cordray November 9, 1977–July, 1978;
- (b) James E. Chellis, Attorney at Law July, 1978 – August, 1980;
- (c) Chellis & Mortimer, P. A. August, 1980 – Fall, 1983;
- (d) Chellis, Mortimer & Frampton, P.A. Fall, 1983 – May, 1995;
- (e) Chellis & Frampton, P.A. May, 1995 --- present
(during a brief period we were a Limited Liability Partnership which had the same name).

Using these periods, the general character of my practice has been as follows:

1. November 9, 1977 – July 1977: Prettyman, Chellis & Cordray

During this short period, I was engaged in general civil litigation and transactional matters. I also handled both retained and appointed criminal defense cases because at this time, Dorchester County did not have a Public Defender. During this time, I participated in my first jury trial, and defended an elderly, retired military officer in an action for malicious injury to personal property. The case was prosecuted by the Solicitor's office in the magistrate's court.

I was also exposed to my first civil trial at this time. We represented the beneficiary of a life insurance policy who was denied benefits under the policy because the insurance company asserted the insured committed suicide within two years of the inception of the policy. The case was tried in federal court to a jury. I did not try the case, but I did handle extensive research on specific issues raised in the suit.

The transactional cases I dealt with involved primarily residential real estate. Dorchester County, and, in particular, Summerville, has experienced steady growth for the entirety of my career (w/ a slight exception over the last four (4) years). Because of this growth, real estate transactions have been a constant in my career. At this early stage, my practice included the actual title examination and closing of single family residential real estate matters. I also began doing a smattering of simple estate plans, drafting wills and trusts, and organizing small businesses. These transactional cases have also been a constant in my career.

In addition I was involved in a variety of other cases, such as motor vehicle accidents resulting in personal injury, divorce, separation, child custody, breach of contract cases, probate administration and litigation, and, surprisingly, several fraud cases. During this period, I considered and actually pulled, copied and read what I

thought was the full body of SC fraud cases in anticipation of writing an article about the SC law of fraud. The project ultimately fizzled because of time constraints, which largely arose out of my decision to separate from the firm and “go solo”, only eight (8) months after being admitted to the Bar.

One of my first cases was a probate litigation case. This case is notable to me because it taught me that a general practice will expose one to significant legal issues. The case involved an omitted spouse’s claim to her husband’s estate. This rather factually simple case had an interesting twist because the primary beneficiary, whom I represented, was the decedent’s grandchild, the child of an illegitimate child. His name was incorrectly stated in the decedent’s Will thus raising the issue of the competency of the decedent. The wife also argued SC’s ‘bastardy statute’ barred the grandson from inheritance. This case is memorable to me because the lawyer on the other side of the case became a Circuit Court Judge and later served on the Court of Appeals. I settled this case, but not without interesting debate over the then recent case of Trimble v. Gordon, 430 U.S. 762, 97 S.Ct. 1459, 52 L.Ed.2d 31 (1977), declaring statutes restricting the intestate inheritance of illegitimate children from their fathers unconstitutional.

While this case showed me early in my career that a general practice is fertile ground for challenging issues, I began to develop a loyal client base. My first client remains a client of mine today. I organized a company for him, later drafted his Will, settled his father’s Estate, and later settled his mother’s Estate, whose Will I drafted many, many years ago.

I make this point here because the general practice of law in a small town presents ever challenging and unique issues for a lawyer. I learned that what may appear to be a mundane matter often presents in its details cutting edge legal issues. I also learned that clients will remain clients if you handle each matter as if it were your first with the client. It is from this background of exposure to a wide variety of cases, with differing factual circumstances and situations, and with clients of varying social and economic standing, that I have come.

2. James E. Chellis, Attorney at Law – July 1977 to August 1980

During these three years, I continued my general practice but began to pick up several clients that required me to broaden the scope of the general practice. I paid my overhead by handling real estate matters. I was able to pay myself by handling civil trial matters, including family law cases, and an occasional retained criminal matter. I continued to receive appointed criminal cases.

The practice of real estate law then was quite a bit different than it is now. I continued to search the titles for property transactions in which I also was the closing attorney (today I hire contract abstractors). I spent the greater part of my time during this period in the record room examining titles. I do not regret the time I spent there. Frankly, I think examining titles was enormously helpful in learning how to practice law and practice it carefully. Invariably, in the course of a title examination, one has to examine a civil litigation or probate file. My mentoring was not through the Bar Mentoring program, which did not exist then, but came by way of reading through the pleadings, motions, correspondence and the orders in these case files. In short, this is when and where I incubated and began to grow as a lawyer.

On September 5, 1978, two months after I opened my solo practice, I was appointed to a capital murder case. A local merchant was robbed and gunned down by four assailants. Four men from Florida were arrested and charged with the murder. Circuit Court Judge Rosen began appointing lawyers in St. George and Summerville to represent the defendants. The Solicitor announced he would seek the death penalty and each defendant was appointed two lawyers. This case occurred before the criminal appointment process was done by rotating through the Bar Roster. I was not considered for appointment initially because of my lack of experience. But when the entire County Bar was exhausted, but for me, Judge Rosen appointed an Orangeburg attorney to handle the first chair and me to the handle the second chair. This appointment was ten months after I was licensed to practice law. The Solicitor tried each defendant separately and our client, who was allegedly the "trigger man," was left for the last trial. Our client defended his innocence from the beginning, without faltering, in his claimed alibi. The case ultimately went to trial resulting in an acquittal.

This case is the only capital murder case on my resume. In defending the client, I handled most of the leg work and legal research. I conducted the direct examination of the defendant, who took the stand in his own defense.

Nearing the end of this period, the national economy began to falter. The character of my practice likewise began to change. The new federal bankruptcy code had been enacted, which introduced the concept of the individual reorganization plan (Chapter 13). Few members of the local bar handled bankruptcy cases, and I had clients who needed this service. I studied the law and filed a Chapter 7 case for a contractor. Other cases followed. Other lawyers referred bankruptcy cases to me, in particular, a local well known grocery store owner, whom I will discuss in the next time period of my practice. In bankruptcy law, one must be capable of dealing with all and sundry areas of substantive law as well as navigating the unique procedural issues of the Bankruptcy Court. Learning bankruptcy law was a first of several practice 'extensions' that I have undertaken during the course of my career.

During this period, I continued to handle family law matters. My first personal injury matter was a worker's compensation case. I have continued to handle workers compensation. However, in the most recent ten years or so, I have associated counsel in these cases because of work load constraints. I also took a case that challenged administrative civil fines based on a warrantless search of a local miner's office by the Mine Safety and Health Administration, which I challenged on a Fourth Amendment unreasonable search and seizure argument. I also handled various personal injury cases.

I picked up two corporate clients, a steel fabrication contractor, and an automobile dealership. The former client wanted me to handle its commercial collection cases, one of which I discuss later, and the latter client engaged me to defend a fraud and misrepresentation claim. After handling the fraud case, I began handling this client's claims for deficiency judgments arising from recourse financing of the dealer's installment sales contracts financed by the manufacturer's credit company. Through these two clients, I began to handle debtor-creditor relation cases, on behalf of both debtors and creditors. At the end of this period of my

career, however, I decided to stop taking marital litigation cases. I have, however, handled several marital cases in the last five months, in part, due to the departure of an associate whose clients remained with our firm.

3. Chellis & Mortimer --- August, 1980 to Fall, 1983

During this period, my partner and I tried to establish a business and estate planning boutique firm. This concept did not play well in Summerville as the client base was limited and the national economy tanked. In 1982, or shortly thereafter, Congress eliminated many of the tax advantages small businesses enjoyed (closing the widely politicized loop-holes), *e.g.*, the investment tax credit and accelerated depreciation, and changed the estate tax such that very moderate estates were no longer subject to estate taxes (incremental increases in the unified gift and estate tax credit). These changes in the law caused my partner and I to re-evaluate our boutique concept. I continued to handle the collection cases of the steel fabrication company and began handling a significant number of collection cases for the automobile dealership who had sold cars on installment contracts with full recourse on default. So, we began to take civil trial matters again, particularly commercial debt collection. To improve our client base, we enlisted in a forwarding service to develop this practice. I renewed my earlier practice of workers compensation and a few family law matters and continued to handle bankruptcy cases. I also continued to handle residential real estate matters. Our litigation practice began to grow and an opportunity to associate a lawyer to handle our increasing trial work presented itself. At that time, my current partner joined our firm.

4. Fall of 1983 --- May 1995; Chellis, Mortimer and Frampton, P.A.

During this thirteen year period, my practice changed as the needs of my clients changed. In particular, as the economy changed, my practice changed. I continued real estate matters, and by referral of a few cases from other lawyers, I developed a practice in real estate litigation, particularly curing title defects. During the early 1980's the national economy remained sluggish and many of my clients continued to suffer financial hardships that led to bankruptcy. I also had handled a number of Chapter 7 cases by this time, as well as a few Chapter 11 cases. The one case of the grocer, however, was exceptional as other grocers, with the same national distributor, were closing down. At first blush, this case appeared to be a circumstance of the national economy. However, drawing on my experience in fraud cases, and discussing with my client the facts surrounding his business failure, I associated another more experienced attorney, and we filed a suit in the federal court alleging fraud and a RICO claim against a national food distributor. The case required extensive discovery. I had recently been asked by two younger attorneys to be their mentor, and I associated these two attorneys to go through a warehouse of documents and assist in research. I handled most of the trial preparation, including overseeing the discovery. The case was settled the day I was scheduled to take the depositions of the defendant's chief executives. One of those younger lawyers became a Probate Court Judge, and is now serving as a Family Court Judge in our circuit.

Other cases came my way involving employee injuries in the work place. Some of these cases evolved into third party claims, *e.g.*, third party claims against an at-fault driver. One third party claim that I brought in Federal District Court

bottomed on product liability against the manufacturer of a come-a-long lifting device. Another workers compensation case evolved into a products claim against a paint manufacturer. The former case involved extensive discovery and expert testimony, including a mechanical engineer with a subspecialty in tensile strength of wire and an economic loss expert. The former was tried unsuccessfully to the jury; and the latter involved the tricky rules of federal preemption regarding military contracts. Another products case, in which I associated counsel, involved an alleged manufacturing defect in a heart catheter used in angioplasty. This case also had federal preemption issues, which arose out of the federally regulated drugs and medical devices.

I also continued to build a practice base around small businesses. Much of this work was transactional in nature, and included counseling parties on the form of business in which they should engage, drafting partnership and shareholder agreements, and negotiating and drafting agreements for the sale and purchase of business assets. Quite naturally, one significant evolution of a business planning practice in a small town involves the enforcement of contracts. To this end, I have represented many local businesses in breach of contract actions, claim and delivery actions, mechanics liens, and debt collection actions. One significant non-jury case that I tried, for my steel fabricator client, had as its central issue the failure of a buyer to notify my client, the seller, of a nonconforming product it sold. By statute, the failure to notify the seller of the nonconforming goods bars any remedy. I proved the failure of notice, won at the trial level, and the case was affirmed on appeal. Southeastern Steel Company V. W.A. Hunt Construction Company, Inc., 301 S.C. 140, 390 S.E.2d 475 (Ct. App. 1990). This case has been discussed, cited, or used in secondary source material 47 times (source: Westlaw services).

I continued to represent car dealerships. I associated counsel in a case brought against one of my dealership clients by the SC Consumer Protection Agency involving claims alleged for violations of the SCCPA. This case was eventually settled prior to trial, and again highlights the breadth of experience I have gained in my career as a lawyer in Summerville.

During this time, I also brought foreclosure actions on commercial mortgages. I have also defended a commercial mortgage foreclosure action, in which I tested the waters of lender liability in a failed real estate development evolving out of the local depression that occurred after closure of the Charleston Naval Base.

As the economy began to improve in the mid 1980's, I began to represent a number of real estate developers. This work is, for the most part, transactional in nature. Nonetheless, and I think importantly, as it relates to one's judicial merit, I worked on clearing a major development obstacle on a large tract of land to be developed into single family residential homes around a golf course. The title defect was created by a landowner in the late 1960's when he subdivided on paper a large tract of land (more than 1,000 acres) and showing many unopened roads in the subdivision. The developer then sold 300 to 400 lots on land contracts that referred to the plat he recorded. Many of the streets were never built. I represented a developer who purchased the residual tract of the "paper subdivision", and prepared and gathered on its behalf a waiver and release of the private implied easement that

the lot owners had to the paper streets. Our efforts in gaining nearly 100% cooperation from those landowners (over several years effort) were successful because we prepared a clear, concise and easily readable waiver and release and approached each landowner with a transparent, honest explanation of the goal we were attempting to achieve and invited them to seek advice from their own attorney should they chose to do so.

This development has been a success story. The properties of these folks, who were perhaps 'boondoggled' in the late 1960's, enjoyed tremendous appreciation in value since the golf course development began (this residential development is now built out – a 25 year project).

By the end of the 1980's the economy was on the upswing generally. So, with a major change in the Bankruptcy Code, I decided to stop taking these cases. The cost of staying current was expensive and the number of these cases declined in the improving economy. By this time I had also stopped taking debt collection cases forwarded to us via the forwarding service to which we had subscribed.

5. Chellis & Frampton, P.A. (formerly Chellis & Frampton, LLP) – May, 1995 to Present

My motor vehicle personal injury cases dried up as the mass media advertising model for attracting these cases took hold. After the loss of a trial in an automobile accident case, my client, who was rendered disabled from the accident, needed help filing a Social Security Disability claim. I decided to learn this area of the law, and filed his claim. Since then, I have taken a number of disability claims for clients to the Office of Hearings and Appeals. This expansion was the last time I literally decided to extend my practice into a new substantive area of law.

I have, however, handled a several wrongful death cases, two federal tort claim cases (with associated counsel), and in the mid 2000's associated a complex torts litigation firm to bring a class action case for property damage resulting from a very high occurrence of copper water pipes pitting (corroding) and causing very incipient water leaks that led to property damages in innumerable homes in and around Summerville. This case was brought as a class action. The class was not certified and because of the high costs associated with litigating each claim, individually, the case has ended. However, the two years of preparing this case for filing, and the extensive discovery in a complex litigation case, gave me significant experience as to the proper investigation of a complex tort claim prior to filing and the necessary depth of the discovery process. I participated in all of the discovery and met with several expert witnesses used to develop the basis of the claims. Although I did not argue the class certification, I did attend the class certification hearing.

I have also continued to handle real property litigation matters. I tried a complex implied easement case before the Master-in-Equity and successfully proved the implied access. I have prepared and successfully concluded the closing of a street to facilitate the commercial development of a large tract of land for a shopping center. In the transactional aspects of the practice, I was local counsel to two complex commercial real estate developments.

On September 11, 2001, a start-up corporate client of mine turned on the switch of its manufacturing plant in Edgefield County. I was counsel to the client in

the negotiation of and closing of \$28,000,000.00 in financing to begin this venture. The venture created several hundred jobs in Edgefield County. Unfortunately, the first business day of operations for the company was one of the worst days in American history. The company's ability to gain market share for its laminated wood product was totally interrupted by the events of 9/11. In the aftermath of a slow economy the company could not gain enough traction to push through the sluggish economy. We met with venture capitalist in Miami to try to capitalize the company. My client choose to file for bankruptcy rather than potentially yield control to the venture capitalists especially given the rather bleak outlook of the economy post 9/11. Hence this company did not survive through the Spring of 2002.

I previously mentioned in this response that the drafting of wills and trusts has been a constant in my practice. I have been efficient in estate planning for clients whose assets range from very moderate to as much as \$5,000,000.00, or \$10,000,000.00 for a married couple. This amount is my arbitrary cut off. For the clients who have assets exceeding this threshold, I refer to estate planning specialists. But, my law school training in drafting wills and trusts, with Robert Wilkins, has paid for itself many times over. This practice is now becoming a probate administration practice. I have received referrals from other lawyers for probate matters involving litigation because of my litigation background.

Currently, I have my bread and butter real estate practice, wills, trusts, and estate planning, and business planning practice. I have a young associate who helps in large part with this work. We completed two suits to quiet title and partition of lands, and a boundary dispute. One case was described by the Master as the most complicated he had seen. I also recently tried successfully a trespass to quiet title case. I settled a wrongful death case, settled a slip and fall (third party claim arising from a work-related injury) Friday before trial set within the last several years. The former case was evaluated for a latch design defect case; however, the client decided not to pursue this. I presently have several personal injury cases, a number of debtor defense matters for a corporate client pulling out of the 'great recession', and I'm involved in a multi-party, employment dispute designated complex litigation.

14.(c) If you are a candidate for Master-In-Equity, please provide a brief written description of your experience in the Master's court, including any cases handled over the past five years and include a brief description of the issues involved. Please include the frequency of your appearances before a Master-In-Equity.

My experience is the Master's Court includes representation of clients in Suits to quiet title, partition, and foreclosure. I have tried several cases involving property rights & duties in real property before the Master. These rights & duties include issues involving restrictive covenants in residential developments, rights of the dominant tenant, the servient tenant, and scope of easements. I have tried a number of cases referred to the Master with right of appeal to the Supreme Court. The following are representative of my cases tried before the Master:

- (a) See, Para 20 A: Judy v. Kennedy, 398 S.C. 471, 728 S.E.2d 484 (S.C.App.,2012). This case, tried before the Master, addressed equities of a servant estate to maintain a locked gate over an easement and reiterated dominant tenant's right to reasonable access; and reiterated the abandonment of an easement must be proven with clear and convincing evidence, a deed

wherein the easement was not reserved combined with evidence of partial non-use did not meet that burden.

- (b) 2012 – Successful Foreclosure of a Commercial Mortgage.
- (c) 2011 – Successful partition of a single family residence inherited by two siblings.
- (d) 2011 – Successful Motion for Summary Judgment before Master to confirm title to several acres of a 287 acre farm to which title had been confirmed in my client in 1971. A purported owner attempted to reclaim the property by filing a survey that disparaged the title to my client's property confirmed in a suit to quiet the title in the 1969 – order entered in 1971. The purported owner also entered deeds on the record to further cloud the title. We brought suit for Declaratory Judgment, and several other causes of action. On my Motion for Summary Judgment, showing the purported owner was a member of the class of heirs named in the original suit to quiet title, Order for Summary Judgment was granted. The other claims were dismissed by consent.
- (e) 2010 -- Enforcement of subdivision restrictions as Plaintiff's counsel representing the Homeowners Association; the issue was whether a homeowner complied with the restrictive covenants in construction of a pool. The lis pendens, summons and complaint and answer are filed. The Parties engaged in extensive discovery. After a two day trial before a Special Referee, Ronald Stanley, judgment rendered in favor of my client, with an award of attorneys fees.
- (f) 2008-2010 -- Defense of claim of breach of fiduciary duty of an agent under an earlier general durable power of attorney; procedural history: My client's attorney-in-fact filed a suit in Dorchester County to declare a subsequent general durable power of attorney void because the principal's physician opined that the principal lacked capacity at the time she executed the second Power of Attorney. The attorney-in-fact designated in the second Power of Attorney filed suit in the principal's County of residence alleging breach of fiduciary duty, constructive trust and accounting of the acts of the first agent. I filed a motion to dismiss the second suit for the reason that a case was already pending in which the same facts and circumstances were at issue. The trial judge denied the motion. I dismissed the first suit, answered the second suit and plead as counterclaims the allegations of the first suit. After I filed a motion for Summary Judgment, the case was successfully settled after intense negotiations.
- (g) 2005 -2009 -- Boundary line disputes; the issues involve establishing paramount title and proper survey; I have represented plaintiffs in these cases. Two cases were referred by title insurance companies, one was a retained case. Two cases were tried before the Master in Equity after discovery. One was settled after pleadings and discovery was completed.
- (h) Several Quiet title and partition suits; the issues are to determine and declare the ownership in fee simple of the property and seek authority of the court to partition the property by private sale. The procedural history includes: filing the lis pendens, summons and complaint; petitions for the appointment of the

guardian nisi, then absolute; preparing affidavits and petitions for Order of Publication; procuring service on all defendants; Affidavits for default and motions for default; motions and Orders for referral to the Master in Equity; preparing for and attending hearings on the claims; Orders have been entered.

- (i) 2007 -- I brought a motion to compel compliance with a judgment in an action in which the master in equity declared the ownership of property and authorized the sale of the property. My clients were not paid their proceeds of the sale. We case was heard resulting in an Order from the bench directing payment of my clients share of the proceeds. A determination of an award of attorneys' fees is pending.
15. What is your rating in, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell., Who's Who Legal, Super Lawyers, etc.?
Martindale-Hubbell: AV.
16. What was the frequency of your court appearances during the past five years?
- (a) federal: None;
 - (b) state: Moderate Frequency.
17. What percentage of your practice involved civil, criminal, and domestic, and other matters during the past five years?
- (a) civil: >99%;
 - (b) criminal: 0%;
 - (c) domestic: <1%.
18. What percentage of your practice in trial court during the last five years involved matters that went to a jury, including those that settled prior to trial?
- (a) jury: 50%;
 - (b) non-jury: 50%.

Did you most often serve as sole counsel, chief counsel, or associate counsel in these matters? Sole Counsel in all matters before the Master or Special Referee.

19. List five of the most significant litigated matters you have personally handled in either trial or appellate court or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant.
- (a) Judy v. Kennedy, 398 S.C. 471, 728 S.E.2d 484 (S.C.App.,2012).
This case addressed equities of a servient estate to maintain a locked gate over an easement and reiterated dominant tenant's right to reasonable access; and reiterated the abandonment of an easement must be proven with clear and convincing evidence, a deed wherein the easement was not reserved combined with evidence of partial non-use did not meet that burden.
 - (b) Southeastern Steel Company v. W.A. Hunt Construction Company, Inc., 301 S.C. 140, 390 S.E.2d 475. (Ct/App 1990).
This case is significant because it establishes that the failure to give notice to a seller of nonconforming goods in a commercial sale of goods, bars the buyer from a set-off for the costs of curing the goods. It also establishes that notice to the seller is not required to be in writing.
 - (c) Goodwin v. Johnson, Circuit Court order dated, June 19, 2001.
The issue in this case involved whether an implied easement arose where the common grantor sold the servient estate and retained the dominant estate. There is

dictum in the leading SC case, Brasington v. Williams, 143 S.C. 223, 141 S.E. 375 (1927), which allows authority for the implied easement if the access is strictly necessary. The present case turned on this issue. I was able to prove that my clients' access over the servient estate was strictly necessary to the enjoyment of the retained property, which my client acquired. I tried this case. My client, retained different counsel to respond to the Defendant's appeal. Notably, the trial order was affirmed on appeal. The following is the appeal history: Goodwin v. Johnson, Op. No.2001-UP-323 (S.C. Ct. App. filed June 19, 2001). Goodwin v. Johnson, 357 S.C. 49, 591 S.E.2d 34 (Ct. App. 2003) (NO. 3696), rehearing denied.

(d) The Herschel Hall case (I opened this case October 20, 1992 and closed it July 23, 1997)

This case was a third-party claim arising from a work-related injury and is significant because my client had suffered a totally disabling event as a result of a motor vehicle accident at a "t-bone" intersection controlled by a traffic light. The factual issues required me to evaluate the timing of the change in signal from green to amber to red in conjunction with the speed of an automobile being driven at the speed limit at the intersection. The discovery in the case involved the design and trip timing device issues of the traffic signal at the intersection. Because my client's injury was a work ending injury, there were significant economic losses. Thus, I required an economic loss expert. On balance, the case required a trial and the client would not accept the proffered offer to settle. I lost this trial on the liability issue, and my client's disability prompted me to learn the law of Social Security Disability.

(e) In re James R. Andrews, Jr., Debtor, 15 BR 717 (1981)

I represented creditors in a Chapter 13 case in which the creditors objected to the proposed plan on the grounds: that a Chapter 13 plan may not be used to "cram down" a defaulted and accelerated mortgage; and that a person other than the debtor may not cure the default on a long term secured claim. The court held the debtor's proposed plan violated the intent and spirit of §1322(b) (5) and was not compatible with the "fresh start" philosophy of the Bankruptcy Code. Thus, in denying confirmation of the plan, the Court concluded that the plan, which allowed a third person to assume the debtor's right to cure the default of the long-term obligation, did not come within §1322(b) (5), and was contrary to the purpose and spirit of Chapter 13.

20. List up to five civil appeals you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported.

(a) SOUTHEASTERN STEEL COMPANY V. W.A. HUNT CONSTRUCTION COMPANY, INC., 301 S.C. 140, 390 S.E.2d 475. (Ct. /App. 1990);

(b) Richards v. Hearn, Court of Appeals, (1998 unreported);

(c) SC Title Insurance Company v. Cooper River Federal Saving and Loan, Court of Appeals, Court of Appeals (rendered moot prior to oral argument);

(d) Stone v. Fox, Court of Appeals, (1999 unreported);

(e) Judy v. Kennedy, 398 S.C. 471, 728 S.E.2d 484 (S.C.App., 2012).

21. List up to five criminal appeals that you have personally handled. None

22. Have you ever held judicial office? No

24. Have you ever held public office other than judicial office? No

25. List all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor.
Not Applicable.
26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
In the Fall of 2007, I submitted my application for candidacy before the Judicial Merit Selection Commission for the Judge of Circuit Court, At Large Seat 13. The Commission reported me as qualified but not nominated.
In the Fall of 2008, I submitted my application for candidacy before the Judicial Merit Selection Commission for the Judge of Circuit Court, First Circuit Seat 1. The Commission reported me as qualified but not nominated.
27. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? Yes
Town Square Abstract, General Partnership, 1978 to present
This company is a title insurance agency. We are agents of Chicago Title Insurance Company and Ticor Title Insurance Company. I am a partner in this Town Square Abstract.
- (a) Jurisprudence, LLC, 1981 to present
This business is a real estate investment company my law partner, John Frampton, and I have formed. The Company is the entity that owns the office building that houses our law practice. We also rent a suite of offices to the Dorchester County Alcohol and Drug Abuse Commission for its Counseling Center. I am a member of Jurisprudence, LLC.
- (b) South Main Partners, LLC, 1988 to present
This business is a real estate investment company. I formed this company in 1988 with two persons. We acquired a mobile home park and remained in this business until 2006. We sold the park in exchange for 4 commercial buildings in December 2006. We sold three of these buildings. The one remaining is under lease. I am a member of South Main Partners.
- (c) Stego, Inc., 1981-82
This business was a venture in the wholesale brokerage of knit shirts.
28. Are you now an officer or director or involved in the management of any business enterprise? Yes
- (a) Chellis & Frampton, P. A.
Law Practice
I am the President of the Company and handle the administrative duties of the "business" aspect of the practice of law. I have an office manager to whom I look for completing the day to day matters (e.g., accounts receivable and payable, payroll, monthly bank reconciliation and monthly financial statements, time billing and invoicing, 401K contributions, etc.) and assuring compliance with all governmental entities (e.g., payroll tax, unemployment, business licenses, South Carolina CLE Compliance, and Bar licensing).
Term of Service: July 1978 through the present.
- (b) Town Square Abstract, a partnership
My law partner and I write title insurance as agents for Chicago Title Insurance Company.
- (c) Jurisprudence, LLC

I participate in the management of this company on an as needed basis. Primary management of this company is handled by my law partner.

(d) South Main Partners, LLC

I only participate in the management of this company as needed. Primary management of this company is handled by the managing member, a real estate broker.

29. A complete, current financial net worth statement was provided to the Commission.

30. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek. Explain how you would resolve any potential conflict of interest.

In any case in which my real estate investment partner were involved, I would have a conflict. I would recuse myself from such cases should they arise. I would recuse myself from any cases if a tenant of my real estate investment companies were a party or witness.

31. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation, or county or municipal law, regulation, or ordinance, or any other law, including another country's law? No

32. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? No

33. Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? No Have you ever defaulted on a student loan? No Have you ever filed for bankruptcy? No

34. Have you ever been sued, either personally or professionally, that is, have you ever been named as defendant or respondent in any court of law? Yes

I have been sued two times professionally:

(a) The first instance was when I was a young lawyer (approx. 1980). I handled a real estate transaction for a young married couple who were buying a lot on which they were going to build their home. The Seller was a friend of theirs, and a client of mine, a utilities (water and sewer) construction contractor. The Seller represented at closing that the lot had access to public water utilities. The Buyer asked for proof. The Seller told the Buyer the paperwork approving the public water system was at his house on his dresser. He further stated he would get the paperwork after the closing. I closed the sale. My client's statement was not true as the water system had not been constructed such that it connected to the public water system. The Buyer brought suit against me and the Seller. The case was settled by my insurance carrier for about \$3,000.00, as I recall.

(b) The second occasion was in 2005. A lawsuit was brought by the Estate of and members of a family who inherited their membership interest in an LLC that operates a successful golf course in Mt. Pleasant, SC against their first cousin, who was the manager of and later became, based on performance criteria, an equity owner in the LLC.

Before the father of the plaintiffs died, I represented him in a mortgage foreclosure action. This claim evolved into a business work-out between disputing principals of the golf course and residential development. I represented the father by organizing an LLC, and assisting in the negotiations of the work-out solution with

his partners. My client acquired the golf course and amenities and the other principals acquired the developable lands around the golf course.

The plaintiffs' father and their first cousin had negotiated a management agreement in Ohio (where the cousin lived) and Michigan (where the father lived and conducted business). The terms of the management agreement provided for an exchange of equity in the golf course operating entity, the LLC I organized, after my client had been paid back around \$4,200,000.00. The agreement was amended at least once but the general concept of a transfer of equity in the LLC based on performance milestones remained. Please note that I did not represent the first cousin in negotiating his "management agreement" as this was done between the parties. I did draft an employment agreement for my client setting forth the scope of the employment of his nephew, a CPA and retired GM executive, as manager.

The father died before the "equity" in the LLC transferred although, as I recall, the performance markers had been met. My client's personal representative was his long time friend, a retired Michigan judge (as a practicing lawyer he had dealt with Henry Richardson, who referred this case to me when he was in private practice). He tried making the equity transfer during his administration of the estate. Also, during this period, the plaintiff's first cousin acquired a tract of land on behalf of the LLC from the residential developers for the purposes of developing a golf academy. The Personal Representative had me give him an opinion of transaction, which I did. In other words I was retained by the Estate to assist them in the acquisition of the parcel for the golf academy. The LLC bought the parcel. I did not close the acquisition transaction.

During this timeframe, the first cousin asked if I could assist him in enforcing his rights under the management agreement. I replied that I could not as I had a conflict of interest since I had represented the decedent and his estate. I also sent a letter to the first cousin, the manager of the LLC, explaining that I had a conflict of interest.

Sometime after that I received a letter, which I think was addressed to the first cousin, from the Personal Representative advising he would get with me concerning the transfer of membership in the LLC. He never did.

Some time shortly thereafter the former Judge and Personal Representative died. One of the children was subsequently appointed the successor Personal Representative.

At this point (late Fall, 2000), my correspondence with the Personal Representative ended. I had been informed that the first cousin had retained a tax attorney in Charleston.

In 2005, the Personal Representative and children filed suit against their cousin alleging malfeasance, misrepresentation, fraud, conspiracy, etc. The first cousin defendant hired an attorney to defend him. I received requests from the attorney and his client to turn my file, or a copy of it, over to them. I declined, citing attorney-client privilege. I called the Plaintiff's attorney and sought permission to give copies of the file to the defendant, but was told not to because they were asserting attorney-client privilege.

Within several weeks, I received a Summons, Answer, Counterclaims, Cross-claims and Third Party Claims alleging, as it related to me, professional

malpractice and negligence, negligent misrepresentation, breach of fiduciary duty and breach of contract.

After written discovery responses from the plaintiffs, which included a copy of my file, written discovery responses from me, and the deposition of the plaintiff's representative, the third-party claims brought against me were dismissed with prejudice.

36. Have you ever been investigated by the Department of Social Services? If so, give the details and the resolution. Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? No
37. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? Yes
If applicable, have you ever been covered by a tail policy? No
38. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code § 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code § 2-17-10(14)? No
39. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code § 2-17-10(1) from a lobbyist or lobbyist's principal? No
40. S.C. Code § 8-13-700 provides, in part, that "[n]o public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None
41. S.C. Code § 8-13-765 provides, in part, that "[n]o person may use government personnel, equipment, materials, or an office building in an election campaign." Please detail any knowledge you have of any formal charges or informal allegations against you or any other candidate for violations of these provisions. None
42. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you, or on your behalf in furtherance of your candidacy for the position you seek. None
43. List the amount and recipient of all contributions made by you or on your behalf to members of the General Assembly since the announcement of your intent to seek election to a judgeship. None
44. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened? No Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? No
45. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? No Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No
46. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No

47. Have you or has anyone acting on your behalf contacted members of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? No
48. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
- (a) Dorchester County Bar Association;
 - (b) SC Bar Association;
 - (c) American Bar Association;
 - (d) American Association for Justice.
49. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group, any professional honors, awards, or other forms of recognition received and not listed elsewhere.
- (a) Member of Bethany United Methodist Church, Summerville
 Member-leader of the Daily Bread Sunday School Class;
 Member, Disciple Classes Committee
 Confirmation Mentor (1997 – present);
 Ushers' Committee (1997 – present);
 Delegate to SC Annual Conference (2012-present)
 Member, Church Council (2012-present);
 Facilitator of Disciple II (2008), III (2009), IV (2010) and Jesus and the Gospels (2011);
 Past-Stewardship Chairman (1998);
 Past-Member, Church Mission Statement Committee (1997);
 Past-Member 3 X Building Committees, 2 X Long Range Planning Committee; Pastor Parish Relations Committee (member, and Presiding Member); Trustees
 - (b) Mentor: Helping One Student at a Time (HOST) program, a public school reading program at Summerville Elementary School;
 - (c) SC Gamecock Club (1974-present);
 - (d) USC Association of Lettermen (1974-present);
 - (e) Member Open Grants Committee --- Coastal Community Foundation (2012).
51. References:
- (a) John G. Frampton, Esquire
 112 West 4th North Street
 Summerville South Carolina 29483
 (843)-871-7765
 - (b) Rutherford P.C. Smith, Esquire
 100 South Main St. Summerville
 South Carolina 29483
 (843)-873-6780
 - (c) Penny M. Merriman
 115 Dorchester Avenue
 Summerville SC 29483
 (843)-875-9299
 - (d) Rev. Dr. Robert J. Howell, Jr.
 118 W. 3rd Street South

Summerville, South Carolina 29483
(843)-873-1230

- (e) Elizabeth Williams, Vice President, Branch Manager
CresCom Bank
200 North Cedar Street
Summerville, SC 29483-6404

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

I HEREBY CERTIFY THAT MY ANSWERS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature: James E. Chellis

Date: 2/26/13