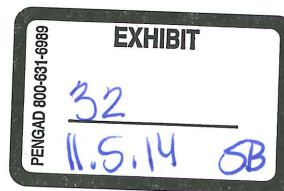


JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE

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

1. NAME: The Honorable Stonewall Jackson Kimball, III
BUSINESS ADDRESS: 1 N. Congress Street
York, SC 29745
TELEPHONE NUMBER: (office): 803-628-3930
2. Date of Birth: 1944
Place of Birth: York County
3. Are you a citizen of South Carolina? 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, 1968 to Noell Ann Coleman Kimball. Never divorced, five children.
6. Have you served in the military?
I was a member of the advanced ROTC unit at Davidson College. My rank was Private E1. I was disqualified from service due to medical reasons. I received an Honorable Discharge from the U. S. Army dated September 3, 1965.
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.
(a) Davidson College, Davidson, N.C., (1962-66) BA;
(b) USC. School of Law, Columbia, S.C., (1968-71) 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, 1971 – I took the Bar exam once.
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) College:
Alpha Phi Omega service fraternity (1965-66)
ROTC and Advanced ROTC (1962-65)
Sergeant Major – 1965)
YMCA, Solicitor; Business-Economics Association, Director (1965-66)
Kappa Alpha Order (1962-66; Secretary; House Manager);
(b) Law School:
SC Law Review (1969-71)
Articles Editor 1970)
Research Assistant to Prof. William McAninch (Summer 1970).
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) Annual Judicial Conference	08/20/2008;
(b) Master-in-Equity Bench/Bar	10/10/2008;



- (c) Annual Judicial Conference 08/19/2009;
 - (d) Master-in-Equity Bench/Bar 10/09/2009;
 - (e) Annual Judicial Conference 08/18/2010;
 - (f) Master-in-Equity Bench/Bar 10/08/2010;
 - (g) Annual Judicial Conference 08/17/2011;
 - (h) Master-in-Equity Bench/Bar 10/14/2011;
 - (i) Annual Circuit Judges Conf. 05/22/2012;
 - (j) Annual Judicial Conference 08/22/2012;
 - (k) Master-in-Equity Bench/Bar 10/12/2012;
 - (l) Annual Judicial Conference 08/21/2013;
 - (m) Master-in-Equity Bench/Bar 10/11/2013 (Earned 12/2013 by CD).
11. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.
- (a) I lectured on warranty law in residential construction on two occasions: SC Bar convention in Savannah on May 22, 1981; CLE seminar in Columbia on October 14, 1988;
 - (b) I lectured in a S. Bar CLE seminar in Columbia on a lawyer's legal and ethical obligations in charging and collecting fees. I do not have a record of the date, but believe that it was in the mid-1990's;
 - (c) I have lectured on two other occasions to private groups, once to an organization of construction materials vendors on mechanic's lien law and debt collection, and once to a commercial contractor organization on warranty law, limitation of warranties and general liability. I have no available record of the dates, but they were between 1986 and 1994;
 - (d) I was the moderator and organizer of the 2006 Master-in-Equity Bench/Bar seminar, and was a panel member for the discussion portion of the program.
12. List all published books and articles you have written and give citations and the dates of publication for each.
- (a) SC Law Review "The Modern Drug Industry's Increased Exposure To Damages" (23 S.C.L.R.771 (1971));
 - (b) SC Law Review "Search And Seizure - Warrant Requirements for Welfare Searches" (22 S.C.L.R. 241 (1970));
 - (c) SC Law Review "State Finance - Special Fund Doctrine" (22 S.C.L.R. 126 (1970));
 - (d) SC Foreclosure Law Manual (S.C. Bar 2006, revised 2013), co-author.
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) Admitted to practice before the State Courts of SC - September 21, 1971;
 - (b) Admitted to practice before the United States District Court for the District of SC - January 21, 1972;
 - (c) Admitted to practice before the United States Circuit Court of Appeals for the Fourth Circuit - October 15, 1974.
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.
- (a) Roddey, Sumwalt & Carpenter (7/5/71 - 10/31/77): General civil, family court and

limited criminal practice. Initially, most of my experience was in personal injury and other tort litigation. Beginning in about 1975, I began to become involved in construction-related litigation, which included representing home owners, contractors and building supply businesses. Often, this involved representing clients in mechanic's lien litigation;

- (b) S. Jackson Kimball, Attorney (11/1/77 - mid 1985): General civil practice primarily devoted to commercial and construction litigation, as described above, and personal injury cases and litigation. I also did a significant amount of real estate closing work;
 - (c) Kimball & Dove, P.A. (Mid 1985 - 3/31/90): More of a specialized civil practice primarily devoted to litigation involving construction, contracts, business and commercial matters, real estate related cases, and land planning and zoning. The firm had a broad general practice, but I continued to specialize more in the areas described above;
 - (d) Kimball, Dove & Simpson, P.A. (4/1/90 - 6/30/00): Specialized civil practice primarily devoted to litigation involving construction, contracts, business and commercial matters, real estate related cases, and land planning and zoning. The firm had a broad general practice;
 - (e) Kimball Law Firm, P.A. (7/1/00 – 6/30/2003): Specialized civil practice primarily devoted to litigation involving construction, contracts, business and commercial matters, real estate related cases, and land planning and zoning.
15. What is your rating, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, etc.? If you are currently a member of the judiciary, list your last available rating, if any.
My last rating in Martindale-Hubbell was AV.
22. Have you ever held judicial office?
Master-in-Equity, York County (7/1/2003 – present).
23. If the answer to question 22 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also list citations to any appellate review of these orders or opinions.
- (a) Sullivan v. Hawker Beechcraft Corp., 397 S.C. 143, 723 S.E.2d 835 (Ct.App.2012) – A personal injury plaintiff sued multiple nonresident defendants in SC in connection with a plane crash occurring in SC. I granted the nonresident defendants' motion to dismiss for lack of personal jurisdiction. The Court of Appeals affirmed, holding that there were insufficient allegations of fact to establish a prima facie basis for personal jurisdiction over the nonresidents. In connection with the ruling, I also denied requests to conduct further jurisdictional discovery and to amend a second amended complaint;
 - (b) Stearns Ban National Association v. Glenwood Falls, L.P., et al., 373 S.C. 331, 644 S.E.2d 793 (Ct.App. 2007) – In a mortgage foreclosure action, a contractor filed a cross-claim against the limited partnership which owned the property. I denied relief from a default judgment occasioned by the failure of an attorney to answer in time, although he had appeared on behalf of the defaulting Defendant. The Court of Appeals affirmed, holding that the limited partnership made a voluntary appearance through its attorney regarding contractor's cross-claim such that trial court obtained jurisdiction, and the default judgment was not void;
 - (c) Nash v. Tara Plantation Homeowners Asso. et al., Court of Appeals, 2010 UP 355 – After a trial regarding application of restrictive covenants to certain subdivided lots,

and based on the application of equitable doctrines, I ruled that the owners of certain lots were estopped to claim that their lots were not part of a subdivision, and had waived their right to do so. The Court of Appeals affirmed by an unpublished opinion;

- (d) Park Regency, LLC v. R & D Development of the Carolinas, LLC, 402 S.C. 401, 741 S.E.2d 528 (Ct. App. 2012) – The case involved a multiplicity of factual and legal issues regarding the dissociation of a member of a limited liability company (LLC), and the determination of the value of a distributional interest in the LLC. The Court of Appeals affirmed, but modified the method of calculation of the value of the disputed interest;
- (e) Ranucci v. Crain, 397 S.C. 168, 723 S.E.2d 242 (Ct. App.2012) – A patient filed notice of intent to file medical malpractice action against physician, but later filed an affidavit of a medical expert as required by S.C. Code Ann. § 15-79-125 (1976, as amended). I granted physician's motion to dismiss due to the failure of Plaintiff to timely file an expert affidavit. The Court of Appeals affirmed, holding that Plaintiff had not complied with § 15-79-125, and that the provisions of S.C. Code Ann. §15-36-100 did not alter that requirement. Reversed: S.C. Sup.Ct. Opinion No. 27422, filed July 23, 2014.

24. Have you ever held public office other than judicial office?

I served for three years (May, 1998 - May, 2001) as a member of the City of Rock Hill Board of Zoning Appeals. I was appointed by the City Council.

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. None.

26. Have you ever been an unsuccessful candidate for elective, judicial, or other public office?
No.

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?

I worked from June, 1966, through July, 1968, for the DuPont Corporation. I worked in a management capacity as a supervisor in two different manufacturing facilities, a Dacron® plant in Kinston, N.C., and an x-ray film plant in Brevard, N.C.

While in the private practice of law, I have engaged in the land development business, specifically the creation of five residential subdivisions, and one condominium project. This activity began in 1983, but is concluded. The projects were been developed in the name of separate corporate entities. Those names are Olde Pointe, Inc., Clearview Properties, LLC., Miller Pond, LLC., Mariners' Bluff, LLC., The Kimball Partnership, and Ebenezer Title, Inc.

28. Are you now an officer or director or involved in the management of any business enterprise? No.

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.

I would not hear any case where a former partner/co-shareholder in any business venture was a party. That involves three people, in addition to three former law partners.

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?

When I was 14, I and four other boys were arrested and charged with damaging or destroying rural mail boxes. The total damage was in the range of \$100 - \$150. We were required by the Juvenile and Domestic Relations Judge to make restitution, and did so.

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? Have you ever defaulted on a student loan? 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?
 - (a) A former law partner and my former law firm were sued. (See Moore v. Simpson 275 S.C. 395, 271 S.E.2d 768, 10 ALR 4th 379 (1979);
 - (b) I have been named, along with others, as a defendant in regard to my judicial office in a collection case, but I do not recall the party. The matter was turned over to the County attorney. I do not now have the case number or name. As far as I know, the case against me was dismissed at the motion stage of the proceedings. I have searched the case management system, but cannot locate the case;
 - (c) Mary Jo Moore and Charlotte Ann Smith (the Plaintiffs in Moore v. Simpson, supra) sued me and one of my former law partners concerning my handling of a mortgage foreclosure case involving a parcel of land, which their mother had owned. Ms. Moore sued multiple defendants, including me, in state court, and Ms. Smith did the same in federal court. Both were dismissed at the summary judgment stage. I believe the cases were concluded in 2012.
36. Have you ever been investigated by the Department of Social Services? 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? If applicable, have you ever been covered by a tail policy?
38. Are you active on or a member of a social media or Internet site or have you, to your knowledge, been featured or depicted on a social media or Internet site, such as, Facebook, LinkedIn, Twitter, etc.?

I am not involved in, or active on, any social media or internet site, and never have been. As a sitting judge, I think it is important that I not be involved with any social media site, or similar site, while holding judicial office.
39. 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.
40. 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.
41. 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. I have no such knowledge or information.

42. 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. I have no such knowledge or information.
43. 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 to date. I do plan to mail a letter indicating my intent to seek reappointment to the members of my county delegation.
44. 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.
45. 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? 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.
46. Have you requested a friend or colleague to contact members of the General Assembly on your behalf? Are you aware of any friends or colleagues contacting members of the General Assembly on your behalf? No.
47. Have you or has anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? No.
48. 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.
49. 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) Master-in-Equity Association – President in 2006 and 2007;
(b) York County Bar Association.
50. 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) Elder, Ebenezer A.R.P. Church;
(b) Board of Directors and Board Chairman of “Life Builders ESL Ministry”, a non-profit corporation that sponsors and gives English language training to non-English speaking immigrants.
51. Provide any other information that may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek. This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be. None.
52. References:
(a) J. Martin Cope, Jr., J. M. Cope Construction Company, Inc.
1069 Bayshore Drive
Rock Hill, SC 29730
803-329-3250
(b) J. Randy Imler, Executive Director
Catawba Regional Council of Governments

215 Hampton St.
Rock Hill, SC 29730
803-327-9041

- (c) John D. Rinehart, Rinehart Realty Corporation
1339 Ebenezer Rd.
Rock Hill, SC
803-329-3333
- (d) James B. Pierce, CPA
2121 Ebenezer Rd.
Rock Hill, SC 29732
803-366-1461
- (e) Joseph R. Henderson (Banker)
Bank of York
13 West Liberty St.
York, SC 29745
803-684-2265

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

Signature: Stonewall Jackson Kimball, III
Date: July 29, 2014

S. J. KIMBALL
2153 Mingus Lane
York, South Carolina
29745

October 2, 2014

Jane O. Shuler, Esq.
Chief Counsel, Judicial Merit Selection Commission
P.O. Box 142
Columbia, S.C. 29202

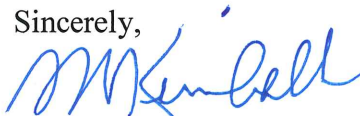
Re: Amendment to ¶ 43, Personal Data Questionnaire

Dear Ms. Shuler:

I am submitting this letter as an amendment to ¶ 43 of my Personal Data Questionnaire, concerning expenditures in furtherance of my candidacy. Since my original filing, I have spent approximately \$12.00 for stationery, envelopes and stamps for a letter of introduction to members of my legislative delegation.

Please append this to my PDQ as continued compliance with ¶ 43.

Sincerely,



S. Jackson Kimball