

**IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI**

**2008-TS-01411**

**ESTATE OF REGENT TAYLOR**

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**APPEAL FROM THE CHANCERY COURT  
OF MARION COUNTY, MISSISSIPPI**

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**BRIEF OF APPELLEE**

**ORAL ARGUMENT NOT REQUESTED**


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**ATTORNEY FOR APPELLEE**

### CERTIFICATE OF INTERESTED PARTIES

The undersigned counsel of record for the Appellees, Ora Lee Debose and Bernice Pierce Anderson Butler, certifies that the following listed parties have an interest in the outcome of this case. These representations are made in order that the justices of the Supreme Court and/or the Court of Appeals may evaluate possible disqualifications or recusal:

1. MELVIN SIMS, Appellant;
2. BERNICE PIERCE, ANDERSON BUTLER, CARRIE DANTZLER SIMS, FLOSSIE DANTZLER BUTLER, RANDALL DANTZLER, BULAH DANTZLER LOPER, FRANCIS BROWN, YVONNE BROWN, RUTH MILTON, PAUL D. MCCANN, SHIRLEY TAYLOR-WITHERSPOON, SAMUEL TAYLOR, VERSE MAE TAYLOR, DOROTHY TAYLOR BUTLER, CELIA MAE (CELLY) TAYLOR, JEWEL TAYLOR JONES, STERLING TAYLOR, III, ARTHUR TAYLOR, MADELYN TAYLOR RICE, SHANNON TAYLOR BARNEL, CLIFTON TAYLOR, JR., MARGARET TAYLOR, CLARENCE TAYLOR, GENI L. TAYLOR, LESTER TAYLOR, HARILYN TAYLOR, DONALD "DUCK" TAYLOR, LONNIE RAY TAYLOR, CASSANDRA TAYLOR, JUANITA JOHNSON, NORTHEA EDGAR BUTLER, DELMA SMITH, ORA LEE DEBOSE, OLLIE T. LOPER, HENRY E. LOPER, OSCAR WILLIAMS, CHRISTINE WILLIAMS, ROSEMARY WILLIAMS, ANNIE WILLIAMS, JEAN WILLIAMS, DONALD RAY WILLIAMS, CAROL WILLIAMS, BARBARA A. DANTZLER, AND RANDALL DANTZLER, JR.
3. D. NEIL HARRIS, Chancery Judge of Greene County, Mississippi
4. WALTER H. HONEYCUTT, Attorney for Appellees
5. MARK A. MAPLES, Attorney for Appellees
6. AL SHIYOU, Attorney for Appellant

  
W. HARVEY BARTON, Attorney for Appellees

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### **STATEMENT OF THE ISSUES**

Appelnee has no disagreement with the wording of Appellant's Statement of the Issues for resolution.

### **STATEMENT OF THE CASE**

MELVIN SIMS, appeals from a Judgment Establishing Heirs entered in the Chancery Court of Greene County, Mississippi. The Chancery Court established SIMS as an heir of Bulah Loper, and not Carrie Dantzler Sims.

### **COURSE OF THE PROCEEDINGS AND DISPOSITION OF THE CASE IN THE COURT BELOW**

A suit was filed in the Chancery Court of Greene County, Mississippi seeking a determination of the heirs of Regent Taylor. Publication for unknown heirs was had in the time and manner prescribed by law, returnable to Greene County, Mississippi on March 23, 2007. No unknown heirs appeared, however a large number of unknown heirs did appear.

The case was continued from that date so that an evidentiary trial could be held by the Court. At the trial of this matter, a number of witnesses appeared and some 35 exhibits were introduced into evidence.

The Chancellor issued its Judgment Determining Heirs. Being aggrieved, Appellant SIMS filed his appeal of the Chancellor's ruling.

### **STATEMENT OF THE FACTS**

Regent Taylor, a female, died on July 21, 1917, as a resident of Greene County, Mississippi.

A suit was filed in the Chancery Court of Greene County, Mississippi seeking a determination of the heirs of Regent Taylor.

Publication for unknown heirs was had in the time and manner prescribed by law, returnable to Greene County, Mississippi on March 23, 2007. No unknown heirs appeared, however, a large number of known heirs did appear.

The case was continued from that date so that an evidentiary trial could be held by the Court. At the trial of this matter, a number of witnesses appeared and some 35 exhibits were introduced into evidence.

During the trial of this matter, the Appellant, MELVIN SIMS, asserted that he is the child of Carrie Dantzler Sims. His assertion was by testimony and by documentary evidence.

In its Judgment Determining heirs, the Court stated that the testimony and evidence presented at trial indicated that the Appellant herein, MELVIN SIMS, is the child of Bulah Loper

### **SUMMARY OF ARGUMENT**

Appellee adopts herein the Appellant's Summary of Argument and does not object to same.

### **ARGUMENT**

The Appellee responds to Appellant's brief as follows. It matters not to the Appellees as to which way the Supreme Court rules in this matter. Whether there is an affirmation of the lower court's decision or a reversal, will in no way affect the proportionate share to which the heirs at law, namely, Ora Lee Debose and Bernice Pierce Anderson Butler, who are the Appellees herein, will inherit their share of Regent Taylor's estate.

**CONCLUSION**

Appellee adopts herein the Appellant's Conclusion and does not object to same.

Respectfully submitted, submitted, this the 29<sup>th</sup> day of December, 2009.

Ora Lee Debose and  
Bernice Pierce Anderson Butler, Appellees

BY:

W. Harvey Barton  
W. HARVEY BARTON, MSB 

**CERTIFICATE OF SERVICE**

I, W. HARVEY BARTON, do hereby certify that I have this day served, via United States Mail, postage prepaid, a true and correct copy of the above and foregoing to:

Mark Maples, Esquire  
362 Summer Street  
Lucedale, MS 39452

Al Shiyou, Esquire  
301 West Pine Street  
Hattiesburg, MS 39401

Walter Honeycutt, Esquire  
P. O. Box 749  
Mobile, AL 36601

Judge D. Neil Harris, Greene County Chancery Judge  
P. O. Box 998  
Pascagoula, MS 39568

Eddie C. Williams, Esquire  
P. O. Box 310  
Pascagoula, MS 39568

SO CERTIFIED, this the 23<sup>rd</sup> day of December, 2009.

  
\_\_\_\_\_  
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**CERTIFICATE OF MAILING**

I, W. HARVEY BARTON, do certify that I have this date, mailed via United States mail, postage prepaid, first class, an original and three (3) copies of the Appellee's Brief to the Clerk of the Supreme Court and this Appellee's Brief and copies therein are being deposited into the United States Mail on this the 28<sup>th</sup> day of December, 2009, as required by M.R.A.P. Rule 25 (a) for filing of same to be deemed as of this date.

This the 28<sup>th</sup> day of December, 2009.

  
\_\_\_\_\_  
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