

**IN THE SUPREME COURT OF MISSISSIPPI
2011-TS-00296**

VIRGINIA MASSEY

APPELLANT

VERSUS

**RONALD E. LAMBERT, PATRICIA RENEE LAMBERT
AND ANY AND ALL PERSON OR PARTIES HAVING OR
CLAIMING TO HAVE AN INTEREST IN THE PROPERTY
DESCRIBED HEREIN**

APPELLEES

**APPEAL FROM THE CHANCERY COURT OF GREENE COUNTY, MISSISSIPPI
GREENE COUNTY CHANCERY COURT CAUSE NO. 2007-50CB**

**APPELLANT'S REPLY BRIEF
(ORAL ARGUMENT IS NOT REQUESTED)**

BARTON LAW FIRM, PLLC

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ATTORNEYS FOR APPELLANT

CERTIFICATE OF INTERESTED PERSONS

The undersigned counsel of record certifies that the following listed persons have an interest in the outcome of this case. These representations are made in order that the Justices of the Supreme Court may evaluate possible disqualification or recusal.

Chancery Court Judge: Honorable Charles Bordis

Appellant: Virginia Massey

Appellees: RONALD E. LAMBERT and PATRICIA RENEE
LAMBERT *and any and all person or parties
having or claiming to have
an interest in the property described herein*

Attorneys for Appellant: W. Harvey Barton, Esquire
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Attorney for Appellee: Gerald Dickerson, Esquire
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This the 12th day of September, 2011.

Respectfully submitted,

BY: W. Harvey Barton
W. HARVEY BARTON, MSB # [REDACTED]
Attorney for Appellant

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APPELLANT'S REPLY BRIEF

In its Order, the trial court has indicated that it based its ruling on the proposition that the Plaintiff's use of the land in question was with the permission of the Defendants and therefore neither under claim of ownership nor hostile, a concept that if true would be fatal to Plaintiff's claim.

In its Brief, the Plaintiff has argued that the trial court improperly relied on hearsay evidence in reaching its conclusion that the use of land was permissive. As demonstrated in Appellant's Brief, Plaintiff timely objected to the introduction of the hearsay evidence at trial and these objections were sustained by the trial court.

In Appellees' Brief, Defendant have failed to address the only issue relevant to this appeal, namely, whether the trial court erred in ruling that the Plaintiff's use of the Defendants' land was neither under claim of ownership nor hostile. Rather, Defendants have attempted to direct the Court's attention away from this central issue and on to the irrelevant questions of sufficiency of evidence and whether the Plaintiff has asked for the proper relief at the trial level.

The trial court's Order makes plain that it relied on impermissible hearsay in reaching its conclusion that Plaintiff's use of the property in question was permissive. Because Defendant's brief is unresponsive on this point, Plaintiff reasserts those authorities and arguments contained in its Appellant's Brief.

Respectfully submitted, this the 12th day of September, 2011.

VIRGINIA MASSEY

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CERTIFICATE OF FILING
THE REPLY BRIEF OF THE APPELLANT

COMES NOW, the undersigned attorneys of record for the Appellant, Virginia Massey, and certifies to this Honorable Court, pursuant to Rule 25 of the Mississippi Rules of Appellate Procedure, that on the 12th day of September, 2011, they have delivered to the Clerk for filing in the above-referenced cause, via US Mail, postage prepaid the original and three (3) copies of the Reply Brief of Appellant to the Clerk. Upon this certification, pursuant to the aforementioned Rule, the Reply Brief of Appellant is timely filed this the 12th day of September, 2011.

SO CERTIFIED, this the 12th day of September, 2011.

VIRGINIA MASSEY

BY: W. Harvey Barton
W. HARVEY BARTON (MSB # [REDACTED])

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CERTIFICATE OF SERVICE

I, BRANDON C. JONES, do hereby certify that I have this day served, via US Mail, postage prepaid, a true and correct copy of the above and foregoing Appellant's Reply Brief to the following:

The Honorable Charles Bordis
Greene County Chancery Court
P.O. Box 998
Pascagoula, MS 39568

Gerald Dickerson, Esquire
Attorney for Defendants
346 Cox Street
Lucedale, MS 39452

SO CERTIFIED, this the 12th day of September, 2011.



W. HARVEY BARTON (MSB [REDACTED])