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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE ADMINISTRATIVE LAW COURT

The Honorable Deborah Brooks Durden, Administrative Law Judge

Appellate Case No. 2019-001867

Denis Yeo,

Appellant,

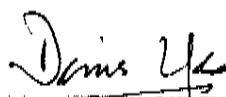
v.

Lexington County Assessor,

Respondent,

MOTION TO RECALL

August 1, 2022



Denis Yeo
228 Newpark Place
Columbia, South Carolina 29212
(803) 447-0615
Pro Se

Other Counsel of Record:
Mr. Jeff M. Anderson
Davis Frawley LLC
140 East Main Street (29072)
Post Office Box 489
Lexington, SC 29071-0489
(803) 359-2512
Attorney for Respondent

MOTION TO RECALL REMITTITUR

Appellant, Denis Yeo, respectfully moves the honorable Court for an order to recall the Remittitur, permitting him to reinstate his appeal in this case.

Appellant did not receive any notice that the Petition to Rehear had been denied. Upon enquiry after receiving the Remittitur recently, Appellant was informed by the office of the Clerk of Court that the notice of denial was sent by regular mail on June 10, 2022. It is Appellant's testimony that he has not seen the notice of denial. Appellant was further informed that the notice of denial was not sent by email concurrently with the regular mail. Previous and subsequent notices from the office of the Clerk have included notice by email. Appellant was informed that the person normally handling notices in the case was out of the office the day the notice was sent.

Because no notice was received, Appellant was not able to enter an appeal in the time normally allowed. Being a layperson of the law, Appellant should not be penalized for not receiving by mail the notice of denial of the petition to rehear.

Appellant respectfully requests the court to consider his application and liberally construe its power to grant relief from default to protect the right to appeal. Denial of this application will result in a miscarriage of justice.

Respectfully submitted,



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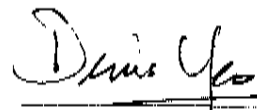
Lexington County Assessor

Respondent

PROOF OF SERVICE OF MOTION TO RECALL

I certify that I have served the Motion To Recall on the Lexington County Assessor, Respondent by mailing a copy of it to his attorney of record, Mr. Jeff M. Anderson, Davis Frawley LLC, 140 East Main Street, Post Office Box 489, Lexington, SC 29071-0489.

August 1, 2022



Denis Yeo
228 Newpark Place
Columbia, South Carolina 29212
(803) 447-0615
Pro se

cc: Mr. Jeff M. Anderson

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SC Court of Appeals

FAX TRANSMITTAL

DATE: August 1, 2022

TO: Sierra Ritchie, SC Court of Appeals

FAX NUMBER: 803-734-1839

FROM: Denis Yeo

PHONE NUMBER: 803-447-0615

APPELLATE CASE NO: 2019-001867

NUMBER OF SHEETS

INCL. COVER SHEET: 4

ITEMS FAXED:

- 1) Motion to Recall
- 2) Proof of Service