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Sep 29 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge
Trial Case No.: 2014-CP-26-07617

APPELLATE CASE NO.: 2018-001724

Captain's Harbour and Racquet Club
Homeowners Association, Inc. Respondent

v.

Jerald W. Jones Appellant

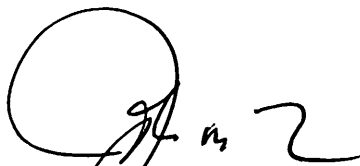
APPELLANT JERALD W. JONES'S
RETURN IN OPPOSITION TO
CAPTAIN'S HARBOUR AND RACQUET CLUB
HOMEOWNERS ASSOCIATION, INC.'S
MOTION TO ALLOW LATE FILING OF REPLY TO RETURN
TO MOTION FOR COSTS

John M. Leiter, Esquire
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(843) 449-4884 (fax)
Attorney for Appellant

Appellant, Jerald W. Jones, filed his Return to the Respondent's Motion for Costs on August 19, 2022, which he incorporates herein by reference. By way of his Return to the Respondent's Motion to Allow the Filing of Reply to Return to Motion for Costs, the Appellant would bring to this Court's attention that the Respondent had previously filed a Motion to Dismiss Appeal on November 5, 2018. The Respondent claimed the Notice of Appeal was not timely filed. This required the Appellant to file a Return detailing why the appeal was timely, including obtaining an affidavit from the Horry County Clerk of Court. The facts detailed in Appellant's Return were well known to the Respondent. The Motion to Dismiss was denied by Order filed on January 10, 2019. The facts detailed in Appellant's Return were well known to the Respondent.

Further, Respondent argues that it gave the Appellant the opportunity to pay the judgment. The Appellant had paid the judgment well before the Respondent had made its offer. Wherefore, Appellant prays this Honorable Court deny Respondent's Motion to allow Late Filing and also deny the Motion for Costs.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. M. Leiter", is written over a horizontal line. The signature is stylized and includes a large circular flourish at the beginning.

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Counsel for Appellant

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CAPTAINS HARBOUR AND RACQUET CLUB
HOMEOWNERS' ASSOCIATION, INC.

RESPONDENT

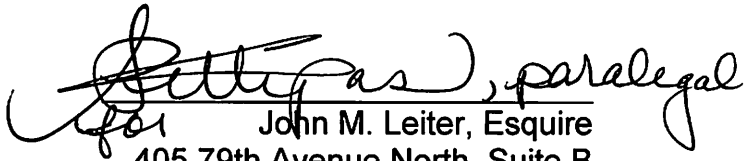
v.

JERALD W. JONES,

APPELLANT

PROOF OF SERVICE

The undersigned certifies that a copy of this Return in Opposition to Captain's Harbour and Racquet Club Homeowners Association, Inc.'s Motion to Allow Late Filing of Return to Motion for Costs was served upon counsel for the Respondent this 29th day of September, 2022 via electronic mail to dmackelcan@csvg.law and swilson@csvg.law.


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