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Oct 26 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas
The Honorable R. Scott Sprouse

Case No. 2020-CP-04-01202

Moats Construction, Inc.,

Appellant,

v.

Cecil R. Dyar,

Respondent.

NOTICE OF APPEAL

Moats Construction, Inc. appeals the Honorable R. Scott Sprouse's Order Granting Defendant's Motion for Summary Judgment, entered by Form 4 dated May 4, 2021, attached as **Exhibit 1**. This order did not end the case. (Ex. 1). Appellant received notice of entry of the order on May 4, 2021, and filed a Motion to Reconsider & Amend Judgment on May 7, 2021. The court subsequently entered findings of fact and law in an Order dated June 10, 2021, attached as **Exhibit 2**. Appellant timely moved to Reconsider & Amend Judgment on June 18, 2021. Appellant's Motion to Reconsider & Amend Judgment was denied by order dated July 21, 2022, but did not end this case, attached as **Exhibit 3**.

Moats Construction, Inc. also appeals the Honorable R. Scott Sprouse's Order dated April

11, 2022, entering judgment for Respondent and directing the entry of a formal order, attached as **Exhibit 4**. The formal order was entered on July 21, 2022, attached as **Exhibit 5**. Appellant received notice of entry of the order on July 21, 2022, and filed a Motion to Alter or Amend on July 29, 2022. Appellant's Motion to Alter or Amend was denied by order dated October 4, 2022, attached as **Exhibit 6**.

/s/ David L. Paavola
David L. Paavola, SC Bar# 100714
LEWIS BABCOCK L.L.P.
P.O. Box 11208
Columbia, South Carolina 29211
(803) 771-8000
dlp@lewisbabcock.com

Attorney for Appellant

October 26, 2022

Other counsel of record:

James W. Logan, Jr., Esquire, SC Bar# 3385
Logan & Jolly, LLP
Post Office Box 259
Anderson, South Carolina 29622
(864) 226-1910
logan@loganandjolly.com

Attorney for Respondent

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Case No. 2020-CP-04-01202

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Respondent.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on James W. Logan, Jr., counsel for Respondent Cecil R. Dyar, by email sent to his primary e-mail address listed in the Attorney Information System, logan@loganandjolly.com on October 26, 2022. See attached email.

/s/ David L. Paavola
David L. Paavola, SC Bar# 100714
LEWIS BABCOCK L.L.P.
P.O. Box 11208
Columbia, South Carolina 29211
(803) 771-8000
dlp@lewisbabcock.com

Attorney for Appellant

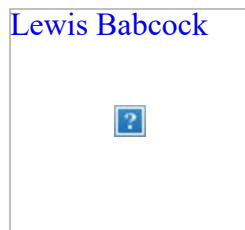
October 26, 2022

From: [David L. Paavola](#)
To: logan@loganandjolly.com; [Kim Manley](#)
Cc: [David L. Paavola](#); [Pat K. McCright](#)
Subject: Moats Construction Inc. v. Cecil Dyar - Notice of Appeal
Date: Wednesday, October 26, 2022 2:57:03 PM
Attachments: [20221026 Notice of Appeal.pdf](#)
[Exhibit 1 \(1\).pdf](#)
[Exhibit 2.pdf](#)
[Exhibit 3.pdf](#)
[Exhibit 4.pdf](#)
[Exhibit 5.pdf](#)
[Exhibit 6.pdf](#)

Jim,

Attached is Moats Construction, Inc.'s Notice of Appeal and Exhibits for service in accordance with Rule 203, SCACR. This notice will be filed in the Court shortly.

Sincerely,



David L. Paavola
Attorney

Lewis Babcock L.L.P.
1513 Hampton Street (29201)
PO Box 11208
Columbia, SC 29211

Main 803-771-8000
Direct 803-733-3512

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DAVID L. PAAVOLA ATTORNEY

david.paavola@lewisbabcock.com

Lewis Babcock L.L.P.

1513 Hampton Street (29201)

PO Box 11208

Columbia, SC 29211

O: 803.771.8000

D: 803.733.3512

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SC Court of Appeals

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 2921
ctappfilings@sccourts.org

Re: Moats Construction, Inc. v. Cecil R. Dyar
Case No. 2020-CP-04-01202
Our File Number 22-106

Dear Ms. Kitchings:

Enclosed for filing please find a Notice of Appeal with exhibits and Proof of Service in the above referenced matter. A check for the filing fee is being delivered via U.S. mail.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Paavola', written over a faint blue line.

David L. Paavola

DLP:pm
Enclosure

cc: James W. Logan, Jr., Esq.
logan@loganandjolly.com