

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APPEAL FROM GREENVILLE COUNTY
CIRCUIT COURT

OCT 31 2022
SC Court of Appeals

G.D. Morgan, Jr., Circuit Court Judge

Case No. 2020-CP-23-01450
Appellant Case No.: 2020-CP-23-01450

Michael Gene Putnam.....Appellant,

v.

Robert Henry Purkerson.....Respondent.

APPELLANT’S RETURN TO RESPONDENT’S MOTION TO DISMISS

Pursuant to Rule 240(e), SCACR, Appellant respectfully submits his Return to Respondent’s Motion to Dismiss.

Appellant received the Form 4 Order denying Appellant’s Motion to Reconsider on Thursday, September 8, 2022, making the due date for Appellant’s Return to Respondent’s Motion to Dismiss due on October 8, 2022.

SCACR Rule 263(a) provides: “The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a state or federal holiday,” October 8, 2022, was a Saturday, October 9, 2022 was a Sunday, and October 10, 2022, was a federal holiday, Columbus Day. Appellant filed and served its Notice of Appeal on Tuesday, October 11, 2022, which is

within the thirty (30) days proscribed by Rule 263(a) SCACR. Accordingly, Appellant's Motion was timely filed pursuant to 263(a) SCACR.

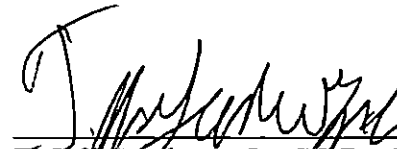
Appellant takes issue with counsel for Respondent impugning his ethics by accusing Appellant of using "white out" to alter the date of service of Appellant's Notice of Appeal. Counsel for Appellant made no such alterations and had no motivation to make such alterations since filing the appeal was timely.

Appellant filed Appellant's Notice of Appeal within thirty (30) days of receiving the final Order and pursuant to Rule 263(a). Accordingly, Appellant's Notice of Appeal is timely and Respondent's Motion to Dismiss should be dismissed.

Appellant respectfully requests the Clerk of Court issue an Order denying Respondent's Motion to Dismiss pursuant to Rule 263(a) SCACR.

Respectfully,

GOODWYN LAW FIRM, LLC



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Columbia, South Carolina
October 31, 2022

IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
CIRCUIT COURT

G.D. Morgan, Jr., Circuit Court Judge

Case No. 2020-CP-23-01450
Appellant Case No.: 2022-001432

Michael Gene Putnam.....Appellant,

v.


Robert Henry Purkerson.....Respondent.

PROOF OF SERVICE

I certify that I have served a copy of the **Appellant's Return to Respondent's Motion to Dismiss** on Wesley J. Shull, Esquire, counsel for Respondent at the address below by depositing a copy of same in the United States Mail, postage prepaid, on October 31, 2022.

Wesley J. Shull, Esquire
Willson, Jones, Carter & Baxley
325 Rocky Slope Road, Suite 201
Greenville, SC 29607

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October 31, 2022

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October 31, 2022

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

RECEIVED
OCT 31 2022
SC Court of Appeals

RE: *Michael Gene Putnam v. Robert Henry Purkerson*
Case No.: 2020-CP-23-01450
Appellate Case No.: 2022-001432
Our File No.: 3000-0743

Dear Ms. Kitchings:

Enclosed for filing, please find the original and one copy of the Appellant's Return to Respondent's Motion to Dismiss and Proof of Service in regards to the above referenced matter. Please have your office file the original and return the filed, stamped copy to me via my carrier.

As evidenced in the Proof of Service, I have served all interested parties, with a copy of the Appellant's Return to Respondent's Motion to Dismiss.

Thank you for your attention to this matter and should you have any questions, please do not hesitate to contact me.

Sincerely,


T. Jeff Goodwyn, Jr.

TJG/msb
Enclosures
cc: Wesley J. Shull, Esquire