

**THE STATE OF SOUTH CAROLINA
Supreme Court of South Carolina**

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

R. Scott Sprouse, Circuit Court Judge

Case No. 2022-001292

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S.C. SUPREME COURT

Frances K. Chestnut, Elizabeth Diane Taylor, Sylvester Keese, Arthur Keese, and
Mary K. Taylor
Respondents

v.

Florence Keese, Marcy Keese, Margo Keese, Marshall Keese
Petitioners

Petitioners' Response Respondents' To Motion To Dismiss

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Petitioners, Margo Keese, Florence Keese, Marcy Keese and Marshall Keese responds in opposition to the Respondents' Motion To Dismiss¹, as follows:

1. The Court of Appeals docket speaks for itself. To the extent an answer is required, the allegation set forth in Paragraph No. 1 is admitted.
2. The Court of Appeals docket speaks for itself. To the extent an answer is required, the allegation set forth in Paragraph No. 2 is admitted.
3. The Court of Appeals docket speaks for itself. To the extent an answer is required, the allegation set forth in Paragraph No. 3 is admitted, in part and denied in part. If the date of receipt is unknown or disputed, case law and Rule 6, South Carolina Rule of Civil Procedure ("SCRCP") provides a presumption that service by regular mail is received within five (5) days.); see also Nguyen v. Inova Alexandria Hospital, 187 F.3d 630 (4th Cir. 1999) (noting if the date is unknown, however, it is presumed that service by regular mail is received within three days pursuant to Rule 6(e) of the Federal

¹On October 19, 2022, Petitioner received a copy of a Motion To Dismiss filed by the Respondents. The motion return date is a date that this Court is closed. See SCRCP 6(e), ("[w]henver a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail or upon a person designated by statute to accept service, five days shall be added to the prescribed period."

Rules); Baldwin County Welcome Center v. Brown, 466 U.S. 147, 148, n. 1, 104 S.Ct. 1723, 1724 (1984)(suggesting that Rule 6(e) applies when parties dispute the date of receipt).

4. The Court of Appeals docket speaks for itself. To the extent an answer is required, the allegation set forth in Paragraph No. 4 is denied
5. Petitioner is without information to admit or deny the allegation; the allegation set forth in Paragraph No. 5 is denied.
6. Petitioner is without information to admit or deny the allegation; the allegation set forth in Paragraph No. 5 is denied. Petitioners have provided an Affidavit from the Petitioner who mailed documents to the respondents. See Exhibit A.
7. Petitioner is without information to admit or deny the allegation; the allegation set forth in Paragraph No. 7 is denied.
8. Admitted. But a copy has been submitted concurrent with this response. See Exhibit B.
9. Admitted. But a copy has been submitted concurrent with this response. See Exhibit C.
10. Denied. On it's face this Paragraph is referring to a p0etition for rehearing; not a Petition for a Writ of Certiorari.
11. Denied, in part. See Paragraph 10, supra.

12. Answering Petitioner is without information to admit or deny the allegation; To the extent an answer is required, the allegation set forth in Paragraph No. 12 is denied.
13. Admitted.
14. Denied.
15. Answering Petitioner is without information to admit or deny the allegation; To the extent an answer is required, the allegation set forth in Paragraph No. 15 is denied.
16. Denied as stated.
17. Admitted.
18. Admitted.
19. Denied. Respondent has constructive notice.. Petitioner has remedied the deficient filing and the Respondents have not been prejudiced.

WHEREFORE, Petitioner should be permitted to correct any deficiencies in the Service of Process in a reasonable period of time.

Respectfully submitted,

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