

McDowell Law Offices

Attorneys at Law

36 Broad St.

Charleston, SC 29401

(843) 723-5152

(843) 577-4570 fax

G. Simms McDowell, III

John Edward Robinson

Post Office Box 670

Charleston, SC 29402

June 5, 2013

RECEIVED

JUN 10 2013

S.C. SUPREME COURT

VIA FIRST CLASS MAIL

The Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

RE: Carolyn Smalls, Respondent, v. Floyd Sanders, Appellant, Case No. 2008-CP-10-5661.


Dear Mr. Shearouse:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondent.
- (2) A copy of the orders which are to be challenged on appeal.
- (3) A filing fee of \$100.
- (4) A copy of the Order of Reference to the Master-in-Equity in this matter.

This appeal is being filed with the Supreme Court pursuant to SCAR 203(b)(4). The underlying action, having been first filed in the Court of Common Pleas for Charleston County, was subsequently referred by Order of Reference to the Master-in-Equity, Charleston County. The Order of Reference indicates this matter should be filed with the Supreme Court. I have reviewed Rules 203-204 SCAR, and S.C. Code Ann.14-11-85. It appears that there is some conflict as to the necessity of first filing a properly-referred matter directly appealable from a

Master-in-Equity to the Court of Appeals. After review of Rule 204 and speaking to staff at the Court of Appeals, I am aware this matter may be transferred to that Court. I have courtesy copied the Clerk of Court at the Court of Appeals with this correspondence and above materials to prevent duplicity of opening files in case this matter is transferred back to the Court of Appeals in accordance with what I understand to be practices that would minimize confusion on the Court's part. To be clear, the original Notice of Appeal and Proof of Service has, in fact, been filed with your office at Supreme Court. I thank you in advance for any courtesies extended.



John Edward Robinson
36 Broad Street
Charleston, SC 29401
(843) 723-5152
Attorney for Appellant

Other Counsel of Record:

Charles Goldberg
61 Broad Street
Charleston, SC 29401
Attorney for Respondent
(843) 720-2800

cc:

Jenny Abbot Kitchings
Clerk, SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211