

WALTER B. TODD, JR., PC
COUNSELOR AND ATTORNEY AT LAW

WALTER B. TODD, JR.
SUPREME COURT OF SOUTH CAROLINA
CERTIFIED MEDIATOR
SUPREME COURT OF SOUTH CAROLINA
CERTIFIED ARBITRATOR
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CERTIFIED FAMILY COURT MEDIATOR

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January 13, 2023

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29201

RECEIVED
Jan 25 2023
SC Court of Appeals

RE: **Craig M. Stoneburner and Citivest Corp. (Appellant) v.
Audra Starnes (Respondent)**
CA NO.: 2022-CP-23-00394

Dear Ms. Kitchings:

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(s).
- (2) A copy of the order[s] which are to be challenged on appeal.
- (3) A filing fee of \$250.00
- (4) Please note that pursuant to SCACR 207 we will not be filing correspondence with the court reporter regarding the transcript because I have consulted with the Respondents Counsel and he agrees with me that it is not necessary to have a copy of the transcript for the appeal.

Please file the original notice of appeal and return a clocked copy in the envelope provided.



Walter B. Todd, Jr.
Walter B. Todd, Jr. PC
2711 Middleburg Dr., Suite 305
Columbia, SC 29204
Attorney For Appellant

cc: Mark Fessler, Esq
SC Legal Services
701 South Main St.
Greenville, SC 29601
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Letitia H. Verdin, Circuit Court Judge

Case No. 2022-CP-23-00394

Audra Starnes,

Respondent,

vs.

Craig Stoneburner and
Citivest Corporation,

Appellants.

NOTICE OF APPEAL

Appellants Craig Stoneburner and Citivest Corporation appeal the order of the Honorable Letitia H. Verdin granting Respondent Audra Starnes Summary Judgment filed November 17, 2022 and the order denying Appellants Motion to Alter or Amend that order filed December 20, 2022. Appellant received written notice of entry of the order denying the Motion to Alter of Amend the order granting summary judgment on December 20, 2022.

s/Walter B. Todd, Jr.

Walter B. Todd, Jr. SC Bar # 5593

WALTER B. TODD, JR., P.C.

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(803) 753-7952

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January 5, 2023

Other counsel of record:

s/ Mark Fessler

Mark Fessler, S.C. Bar # 77376

South Carolina Legal Services

701 South Main Street

Greenville, South Carolina 29601

Phone: (864) 679-3254

Attorney for the Respondent Audra Starnes

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Letitia H. Verdin, Circuit Court Judge

Case No. 2022-CP-23-00394

Audra Starnes,

Respondent,

vs.

Craig Stoneburner and
Citivest Corporation,

Appellants.

PROOF OF SERVICE

The undersigned, Walter B. Todd, Jr. does hereby certify that on January 4, 2023, I served Notice of Appeal on counsel for the Respondent, Mark Fessler, by emailing a copy of the same to the AIS email address of record, markfessler@sclegal.org. A copy of the transmittal email is attached and incorporated by reference.

s/Walter B. Todd Jr.
Walter B. Todd, Jr.

January 5, 2023

Audra Starnes
PLAINTIFF(S)

Craig Stoneburner et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

This matter came before the Court on October 20, 2022 by way of Plaintiff's Motion for Summary Judgment. Defense counsel requested an extension to respond to Plaintiff's Motion, so the Court allowed a 10-day timeframe for the Defendants' Motion in Opposition and then a 5-day timeframe for the Plaintiff to address any new issues raised in Defendants' response to Plaintiff's Motion for Summary Judgment. After careful consideration of all relevant filings and the arguments of counsel, Plaintiff's Motion for Summary Judgment is hereby granted. It is so ORDERED.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 11/17/2022 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.



Greenville Common Pleas

Case Caption: Audra Starnes vs. Craig Stoneburner , defendant, et al
Case Number: 2022CP2300394
Type: Order/Electronic Form 4

So Ordered

s/Letitia H. Verdin, SC Judge 2162

Electronically signed on 2022-11-17 08:49:44 page 3 of 3

ELECTRONICALLY FILED - 2022 Nov 17 9:55 AM - GREENVILLE - COMMON PLEAS - CASE#2022CP2300394

STATE OF SOUTH CAROLINA
COUNTY OF Greenville
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2022CP2300394

Audra Starnes
PLAINTIFF(S)

Craig Stoneburner et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
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 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

This matter comes before the Court by way of Defendants' Motion for an Order Altering or Amending Judgment and/or to Reconsider, filed on November 28, 2022. After careful consideration of the filings submitted by Defendants and the Plaintiff, the Court respectfully denies Defendants' Motion for the reasons set forth in the Court's previous Order Granting Plaintiff's Motion for Summary Judgment and the reasons set forth in Plaintiff's Reply, filed on December 13, 2022. It is so ORDERED.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 12/20/2022 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.



Greenville Common Pleas

Case Caption: Audra Starnes vs. Craig Stoneburner , defendant, et al
Case Number: 2022CP2300394
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So Ordered

s/Letitia H. Verdin, SC Judge 2162