

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

J. Martin Harvey, Special Referee

Case No. 2009-CP-02-0958

69207
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JUL 25 2013
SC Court of Appeals



Elite Construction, Inc., and
Georgia Bank and Trust Company of Augusta Respondents,
v.
Doris E. Tummillo Appellant.

NOTICE OF APPEAL

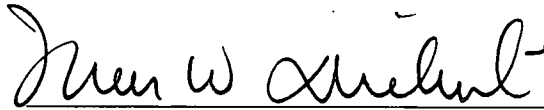
Doris E. Tummillo (Appellant) serves her Notice of Appeal from the Order of the Honorable J. Martin Harvey, Special Referee, dated June 17, 2013, and filed June 24, 2013, denying the Appellant's Motion to Alter and Amend the Judgment filed September 24, 2012. Appellant received written notice of the entry of this Order on June 27, 2013.

Appellant further serves her Notice of Appeal from the Order Amending the Judgment, filed September 24, 2012, which Order amending this judgment was dated July 15, 2013 and filed on July 22, 2013. Appellant received written notice of this Order on July 23, 2013.

The undersigned certifies that the South Carolina Court of Appeals has

jurisdiction of the appeal under Rule 53 of the SCRCP and SC Code Ann. §14-8-200(b) in that this case is not a case where the South Carolina Supreme Court would have direct appellate jurisdiction.

July 24, 2013



Neal W. Dickert, Esq.
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Opposing Counsel of Record:

Clarke W. McCants, III, Esq.
P.O. Box 2881
Aiken, SC 29802
Phone: (803) 649-6200
Attorney for Respondent, Elite Construction, Inc.

Mr. James S. ("Jeb") Murray
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P. O. Box 1495
Augusta, Georgia 30903-1495
Attorney for Respondent, Georgia Bank and Trust Company of Augusta

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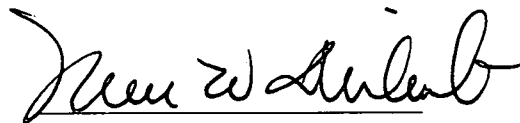
Case No. 2009-CP-02-0958

Elite Construction, Inc., and
Georgia Bank and Trust Company of Augusta, Respondents,
v.
Doris E. Tummillo Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Elite Construction, Inc. and Georgia Bank and Trust Company of Augusta, by depositing a copy of it in the United States Mail, postage prepaid, on July 24, 2013, addressed to each parties' respective attorney of record: Mr. Clarke W. McCants, III, Esq.; P.O. Box 29802; Aiken, South Carolina; 29802 and Mr. James S. ("Jeb") Murray; Warlick, Tritt, Stebbins & Murray; P. O. Box 1495; Augusta, Georgia; 30903-1495.

July 24, 2013



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SC Court of Appeals



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July 24, 2013

BY FEDERAL EXPRESS, TRACKING NO. 7963 0735 6065

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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JUL 25 2013
SC COURT OF APPEALS

RE: *Elite Construction, Inc. v. Doris E. Tummillo (Appellant) and Georgia Bank and Trust Company of Augusta*; Case No. 2009-CP-02-000958
(Aiken County, SC)

Dear Ms. Kitchings:

Enclosed for filing are the original and one copy of the Notice of Appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondents.
- (2) A copy of the orders (2) which are to be challenged on appeal;
- (3) Our firm's check in the amount of \$100 as payment of the filing fee; and
- (4) Self-addressed, postage-paid envelope for return of "date stamped" copy of the Notice and Proof of Service.

This appeal is being filed with the South Carolina Court of Appeals because this Court has jurisdiction of this appeal under Rule 53 of the SCRCP and SC Code Ann. §14-8-200(b) in that this case is not a case where the South Carolina Supreme Court would have direct appellate jurisdiction.

Thank you for your assistance.

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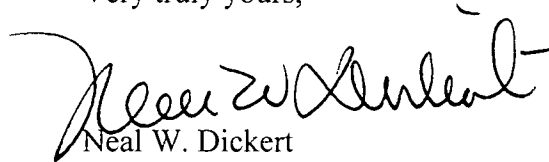
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MAILING ADDRESS: POST OFFICE BOX 1564, AUGUSTA, GEORGIA 30903-1564

With best regards, I remain

Very truly yours,



Neal W. Dickert

NWD:db

cc: Mr. J. Martin Harvey, Jr., Special Referee *(w/enclosure)*
Mr. Clarke M. McCants, III, Attorney for Elite Construction *(w/enclosure)*
Mr. James S. ("Jeb") Murray, Attorney for Georgia Bank & Trust Company of
Augusta *(w/enclosure)*