

**NOTICE OF A MOTION TO RECONSIDER DISMISSAL ON  
MARCH 20, 2024 BY CLERK OF COURT**

THE STATE OF SOUTH CAROLINA  
IN The Court of APPEALS

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

**Debra McMaslin. Circuit Judge**

Case No. 2023-000822

**Joseph Andrew Stagar Pro SE**

**Appellant**

V

**Deborah Cole**

**Respondent**

**NOTIC OF RECONSIDER DISMISSAL**

1. Clerk sent Dismissal on march 20, 2024
2. Appellant sent out Final Brief march 5 2024 by way of US Mail Certified Mail Received in mail room by R.Swam with signature SC. Court of Appeals. Back to Stagar March 7, 2023
3. Final Brief sent March 5, 2024 Restricted, Signature Luther o. McCutchen 111 Esq 4610 Oleander Dr Suite 203 Myrtle Beach SC 29577 **NO return to Stagar (McCutchen signature not there)** as of today March 25,2024 still No Confirmation Signature, no Green card

**RECEIVED**

MAR 29 2024

SC Court of Appeals

**NOTICE OF A MOTION TO RECONSIDER DISMISSAL**

4. Judge Debra McMasslin Transcript of Record said on page 8. (must be served) Line 12/to 17. Certified mail, return receipt requested, and delivery restricted to the addressee!

5. U. S. Postal receipt one for McCutchen Restricted Cost \$19.09

6. S C appeals Court Registered / Certified Mail Cost \$19.05

7. TIME LINE March 5, 2024 North Myrtle Beach Post Office

March 7, Myrtle Beach Post Office to S. C. APPEALS Court

March 7 Columba S.C./ March 8 Fayetteville/ March 16

Reno, NV

8. Letter from U. S. Postal Service Myrtle Beach S.C. investigation March 20, 2024 With Postal Stamp by Tommy Wilson 843-626-9533 (E mail [tommy.j.wilson@usps.gov](mailto:tommy.j.wilson@usps.gov))

9. Letter From S.C. Appeals Court CLERK March 20, 2024 Dismissal the Court and the Appellant did not know about the Post Office **ERR in the JOB We both come with clean HANDS. On the other hand McCutchen Law Office has a habit of out and out lies**

**RECONSIDER DISMISSAL**

10. Must take Extreme Care in dealing with the McCutchen 111 Esq and his staff. As the leader of the Firm he takes full control of what goes on with his cases First he never ask for extra time to file 56 days the Summons and Complaint with admissions gotten by Cole. Second Cole put pen to paper and Field her admissions in her own writing to the court. McCutchen said I was a Notary in S.C. and put in writing to the court I am trying to perpetrate a FRAUD ON THE COURT AND SHOULD BE sanctions. Rule 5.3 Comment Paragraph (a) Requires lawyers with managerial authority within a law firm to make reasonable efforts provide assurance that lawyers and non lawyers in the law firm will act by the Rules of Professional Conduct. Rule 5.1 (a)/(b)/(c)/(1)/(2)

Luther O. McMutchen III Esq  
Counsel of Record Respondent  
N 4610 Oleander Dr, Suite 203  
Myrtle Beach S. C. 29577

Joseph Andrew Stagar Pro se  
*Joseph Andrew Stagar*  
Appellant/ 9758 little river Rd  
Ash N.C. 28420 (910) 287-7711



NORTH MYRTLE BEACH  
 621 6TH AVE S  
 NORTH MYRTLE BEACH, SC 29582-9998  
 (800)275-8777

03/05/2024 11:48 AM

Product	Qty	Unit Price	Price
First-Class Mail® Large Envelope Myrtle Beach, SC 29577 Weight: 0 lb 10.30 oz Estimated Delivery Date Thu 03/07/2024	1		\$3.79
Restrict to Mail Recipient Name <del>REDACTED</del> LEATHER MCCUTCHEN Tracking #: 70222410000166398667			\$11.00
Return Receipt Tracking #: 9590 9402 8093 2349 7413 72			\$3.65
<b>Total</b>			<b>\$19.09</b>
Price Weight: 0 lb 6.50 oz Expected Delivery Date Wed 03/06/2024	1		\$11.00
Insurance Up to \$100.00 included			\$0.00
Certified Mail® Tracking #: 70222410000166398681			\$4.40
Return Receipt Tracking #: 9590 9402 8422 3156 2849 37			\$3.65
<b>Total</b>			<b>\$19.05</b>
<b>Grand Total:</b>			<b>\$38.14</b>
Cash			\$50.00
Change			-\$11.86

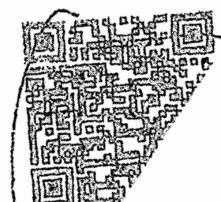
Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit [www.usps.com](http://www.usps.com) USPS Tracking or call 1-800-222-1811.

Save this receipt as evidence of insurance. For information on filing an insurance claim go to <https://www.usps.com/help/claims.htm> or call 1-800-222-1811

Preview your Mail  
Track your Packages  
Sign up for FREE @  
<https://info.mailedelivery.usps.com>

All sales final on stamps and postage.  
Refunds for guaranteed services only.  
Thank you for your business.

Tell us about your experience.  
Go to: <https://postalexperience.com>  
or scan this code with your mobile



7022 2410 0001 6639 8667

U.S. Postal Service  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

NO POSTAGE  
 NECESSARY  
 IF MAILED  
 IN THE  
 UNITED STATES

Certified Mail Fee \$ 0582  
 \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$ 40.00

Return Receipt (electronic) \$ 11.65

Certified Mail Restricted Delivery \$ 40.00

Adult Signature Required \$ 40.00

Adult Signature Restricted Delivery \$

Postage \$ 3.79

Total Postage and Fees \$ 19.09

Sent To  
 LUTHER O. MCGUTCHEN III ESQ.  
 Street and Apt. No., or PO Box No.  
 4610 ALEXANDER DRIVE SUITE 203  
 City, State, ZIP+4®  
 MYRTLE BEACH SC 29577

Postmark: 03/05/2024

PS Form 3800, April 2015 PSN 7530-02-000-9053 See Reverse for Instructions

7022 2410 0001 6639 8667

U.S. Postal Service  
**CERTIFIED MAIL® RECEIPT**  
 Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

NO POSTAGE  
 NECESSARY  
 IF MAILED  
 IN THE  
 UNITED STATES

Certified Mail Fee \$ 4.40

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$ 40.00

Adult Signature Required \$ 40.00

Adult Signature Restricted Delivery \$

Postage \$ 11.00

Total Postage and Fees \$ 19.09

Sent To  
 SOUTH CAROLINA COURT OF APPEALS  
 Street and Apt. No., or PO Box No.  
 1220 SENATE STREET  
 City, State, ZIP+4®  
 COLUMBIA SC 29201

Postmark: 03/05/2024

PS Form 3800, April 2015 PSN 7530-02-000-9053 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 SOUTH CAROLINA COURT  
 OF APPEALS  
 1220 SENATE STREET  
 COLUMBIA S.C. 29201

2. Article Number (Transfer from service label)  
 7022 2410 0001 6639 8667

3. Service Type

Adult Signature

Adult Signature Restricted Delivery

Certified Mail®

Certified Mail Restricted Delivery

Collect on Delivery

Collect on Delivery Restricted Delivery

Insured Mail

Priority Mail Express®

Registered Mail™

Registered Mail Restricted Delivery

Signature Confirmation™

Signature Confirmation Restricted Delivery

All Restricted Delivery

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 Agent  
 Addressee

B. Received by (Printed Name)  
 R. Swann

C. Date of Delivery  
 3/6/24

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

**FORM 7**  
**PROOF OF SERVICE OF A NOTICE OF APPEAL**

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

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**APPEAL FROM HORRY COUNTY**

Court of Common Pleas

Debra McMaslin, Circuit Judge

Case No. 2023-000822

Joseph Andrew Stagar Pro Se Appellant

V.

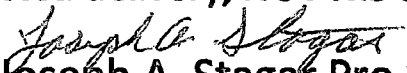
Deborah Cole Respondent

**PROOF OF SERVICE**

I certify that I have served the Notice of Final Brief to the South Carolina Court of Appeals by U.S. Mail Certified Mail, Registered Return Receipt. Received by R. Swam on 3/6/24.

Final Brief addressed to here attorney of record to the Respondent Luther O. Mctchen Esq at 4610 Oleander Drive, Suite 203 Myrtle Beach, SC 29577 Restricted delivery, **NOT HIS SIGNATURE**

Luther McCutchen Esq  
Deborah Cole Respondent  
4610 Oleander Dr Suit 203  
Myrtle Beach S.C. 29577

  
Joseph A. Stagar Pro Se Appellant  
9758 Little River Rd Nw  
Ash NC 28420 (910)287-7711



March 20, 2024

Joseph Stagar,

Thank you for contacting the United States Postal Service.

I was disappointed to learn your certified letter (7022 2410000166398667) addressed 4610 Oleander Dr Ste 203 Myrtle Beach, SC 29577 was not delivered correctly. After further investigation it was confirmed that the certified letter was delivered to the front desk at the address but was not signed for by the restricted delivery addressee.

Below is our policy on "Restricted Delivery" mail.

***Restricted delivery mail should be delivered only to the addressee. The addressee, however, has the right to designate someone else to receive this mail. If the Postal Service receives an authorization in writing from the addressee, we can then deliver his or her restricted delivery mail to the designated person. If you doubt that an addressee to whom you sent restricted delivery mail has authorized someone else to receive the mail, you may request the postmaster of the office of delivery to provide you with a copy of the authorization. If none is on file, and the mail was delivered to another person, the Postmaster will refund your restricted delivery fee.***

Although I cannot erase the disappointment this service failure has caused you, I want to let you know that you are entitled to the refund of the cost of the restricted delivery for the mail piece. You can request a refund.

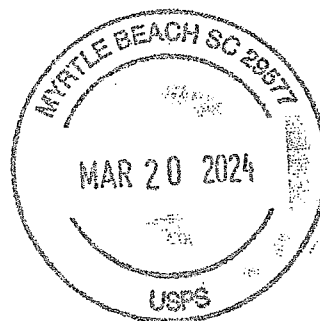
- Online at <https://www.usps.com/help/refunds.htm>
- At your local Post Office by:
  - Submitting the request at the local Post Office using *PS Form 3533, Application and Voucher for Refund of Postage and Fees*
  - Providing evidence of mailing and postage

Please accept our apologies for failing to provide the service you paid for and for any inconvenience this matter has caused you.

You may reach out to me for further assistance if needed.

Sincerely,

Tommy Wilson  
Myrtle Beach 29577  
843-626-9533  
tommy.j.wilson@usps.gov





# Product Tracking & Reporting

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March 20, 2024

## USPS Tracking Intranet Tracking Number Result



On 2/17/2024, a defect was introduced that impacts customer signature images sent to PTR, tracked by USPS Incident 8430556.

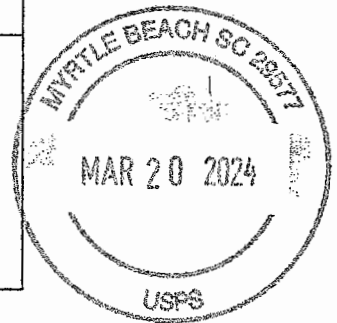
A fix was installed on 3/7 and a replay of the missing images finished on 3/14.

Customers who consume POD and / or RRE letters in bulk via the BPOD program may elect to re-request individual letters via USPS.com Tracking, or may work with USPS to have a BPOD replay processed.

### Result for Domestic Tracking Number 7022 2410 0001 6639 8667

Tracking Expires On  
March 6, 2026

Destination and Origin		
<b>Destination</b>		
ZIP Code	City	State
29577	MYRTLE BEACH	SC
<b>Origin</b>		
ZIP Code	City	State
295829998	NORTH MYRTLE BEACH	SC



Tracking Number Classification	
<b>Class/Service</b>	
Class/Service:	First-Class Mail®
Class of Mail Code/Description:	FC / First Class
<b>Destination Address Information</b>	
Address:	4610 OLEANDER DR STE 203
City:	MYRTLE BEACH
State:	SC
5-Digit ZIP Code:	29577
4-Digit ZIP Code add on:	5752
Delivery Point Code:	53
Record Type Code:	Building/Apartment
Delivery Type:	Business, Central
<b>Origin / Return / Pickup Address Information</b>	
Address:	
City:	
State:	
5-Digit ZIP Code:	29582
4-Digit ZIP Code add on:	9998
<b>Service Delivery Information</b>	
Service Performance Date:	Expected Delivery by: Thursday, 03/07/2024
Delivery Option Indicator:	1 - Normal Delivery
Zone:	01
PO Box:	N
Other Information	<a href="#">Service Calculation Information</a>
<b>Payment</b>	
Payment Type:	Other Postage
Payment Account Number:	000000000000
Postage:	\$3.79
Weight:	0 lb(s) 11.00 oz(s)
Rate Indicator:	SINGLE PIECE - FLAT

**Other Information**

Related Product: 9590 9402 8093 2349 7413 72

Agent Information

Request Internal USPS Tracking Plus Statement

**Extra Services**

**Extra Services Details**

Description	Amount
Certified Mail	
Certified Mail Restricted Delivery	\$11.65

**Events**

Event	Event Code	Event Date	Event Time	Location	Input Method	Scanner ID	Carrier Route	Posting Date / Time (Central Time)	Other Information
TRACKING INQUIRY, IVR	VT	03/20/2024	11:45		Customer Driven Activity			03/20/2024 11:46:07	Request Delivery Record
TRACKING INQUIRY, IVR	VT	03/20/2024	11:33		Customer Driven Activity			03/20/2024 11:36:06	
TRACKING INQUIRY, CALL CENTER	VT	03/14/2024	13:49		Customer Driven Activity			03/14/2024 13:52:04	
TRACKING INQUIRY, IVR	VT	03/14/2024	13:07		Customer Driven Activity			03/14/2024 13:10:08	
TRACKING INQUIRY, IVR	VT	03/14/2024	09:00		Customer Driven Activity			03/14/2024 09:03:06	
DELIVERED, LEFT WITH INDIVIDUAL	01	03/07/2024	11:14	MYRTLE BEACH, SC 29577	Scanned	MDD TR ID189A13989 (Interface type - wireless)	Scanned by route 9577C026	03/07/2024 10:18:06	Facility Finance Number: 456160 Request Delivery Record View Delivery Signature and Address GEO Location Data Available
ENROUTE/PROCESSED	10	03/06/2024	17:30	COLUMBIA, SC 29292	Scanned	AFSM100-002-1		03/06/2024 16:33:04	Container ID: 295772854112738330641195 Weight: 0 lb(s) 0.00 oz(s)
ENROUTE/PROCESSED	10	03/06/2024	10:00	COLUMBIA, SC 29292	Scanned	AFSM100-001-2		03/06/2024 09:04:05	Container ID: 295722333112740330869764 Weight: 0 lb(s) 0.00 oz(s)
ENROUTE/PROCESSED	10	03/06/2024	00:16	COLUMBIA, SC 29292	Scanned	AFSM100-001-1		03/05/2024 23:20:06	Container ID: 292002334112740330867034 Weight: 0 lb(s) 0.00 oz(s)
DEPART POST OFFICE	SF	03/05/2024	16:25	NORTH MYRTLE BEACH, SC 29582	System Generated			03/05/2024 15:39:05	Closeout Label ID: CT14 3712 3000 2403 0515 2743 000
ACCEPT OR PICKUP	03	03/05/2024	11:42	NORTH MYRTLE BEACH, SC 295829998	Scanned	RSS POS	Destined to route C026	03/05/2024 11:09:08	Facility Finance Number: 456410 Weight: 0 lb(s) 11.00 oz(s)

Enter up to 35 items separated by commas.

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Product Tracking & Reporting, All Rights Reserved  
Version: 24.2.2-b26a9ad8





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Customer  
Information

March 20, 2024

## USPS Tracking Intranet

### Delivery Signature and Address



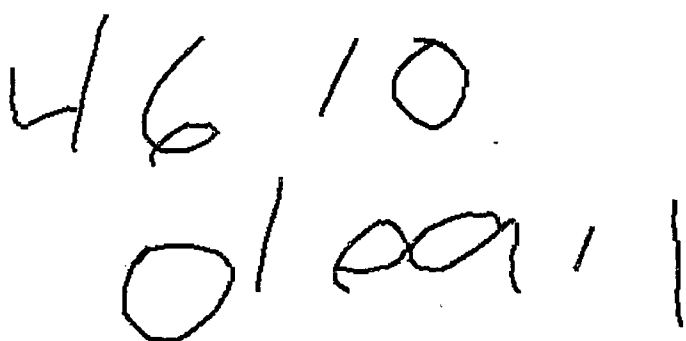
 On 2/17/2024, a defect was introduced that impacts customer signature images sent to PTR, tracked by USPS Incident 8430556. A fix was installed on 3/7 and a replay of the missing images finished on 3/14.

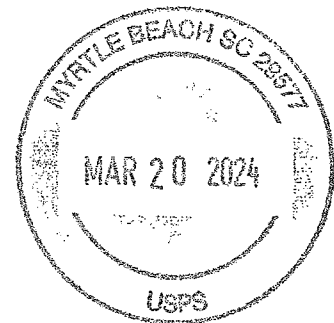
Customers who consume POD and / or RRE letters in bulk via the BPOD program may elect to re-request individual letters via USPS.com Tracking, or may work with USPS to have a BPOD replay processed.

Tracking Number: 7022 2410 0001 6639 8667

This item was delivered on 03/07/2024 at 11:14:00

[< Return to Tracking Number View](#)

Signature	 
Address	



Enter up to 35 items separated by commas.

Select Search Type:

Quick Search



Submit

Product Tracking & Reporting, All Rights Reserved

Version: 24.2.2-b26a9ad8



**MCCUTCHEN VAUGHT GEDDIE & HUCKS, P.A.**  
*Your Lawyers At The Beach*

Luther O. McCutchen, III  
Gene P. Vaught, III  
Norton M. Geddie\*  
Luther O. "Mac" McCutchen, IV  
J. Scott Hucks  
Margaret L. Evans  
Ryan T. Patterson

\*ALSO LICENSED IN GEORGIA & MISSISSIPPI

January 29, 2024

Mr. Joseph A. Stagar  
9758 Little River Road, NW  
Ash, NC 28420

Re: *Joseph A. Stagar v. Deborah Cole*  
Civil Action No.: 2021-CP-26-5745  
Appellant Court Case No.: 2023-00822

Dear Mr. Stagar:

Enclosed herewith is a copy of a letter to the Clerk of Court for the South Carolina Court of Appeals.

Sincerely,

MCCUTCHEN, VAUGHT, GEDDIE  
& HUCKS, P. A.



Luther O. McCutchen, III

LOM:jgr

Enclosure(s)

**North Myrtle Beach Office:**  
1016 2nd Avenue North, Suite 302  
North Myrtle Beach, SC 29582

Telephone 843-281-9831  
Fax 843-281-9562

**Myrtle Beach Office:**  
4610 Oleander Drive, Suite 203  
Myrtle Beach, SC 29577

Telephone 843-449-3411  
Fax 843-449-2317  
Fax (Real Estate) 843-213-0391

**Litchfield Office:**  
28 Wall Street, Suite 201  
Pawleys Island, SC 29585

Telephone 843-492-0099  
Fax 843-492-0299

# Product Tracking & Reporting



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March 24, 2024

## USPS Tracking Intranet Tracking Number Result



On 2/17/2024, a defect was introduced that impacts customer signature images sent to PTR, tracked by USPS Incident 8430556.

A fix was installed on 3/7 and a replay of the missing images finished on 3/14.

Customers who consume POD and / or RRE letters in bulk via the BPOD program may elect to re-request individual letters via USPS.com Tracking, or may work with USPS to have a BPOD replay processed.

### Result for Domestic Tracking Number 9590 9402 8093 2349 7413 72

Tracking Expires On  
March 6, 2026

#### Destination and Origin

##### Destination

ZIP Code	City	State
295829998	NORTH MYRTLE BEACH	SC

##### Origin

ZIP Code	City	State
29577	MYRTLE BEACH	SC

#### Tracking Number Classification

##### Class/Service

**Class/Service:** Domestic Return Receipt PS3811 Green Card  
**Class of Mail Code/Description:** FC / First Class

##### Destination Address Information

**Address:** 9758 LITTLE RIVER RD NW  
**City:** ASH  
**State:** NC  
**5-Digit ZIP Code:** 28420  
**4-Digit ZIP Code add on:** 1710  
**Delivery Point Code:** 58  
**Record Type Code:** Street Record  
**Delivery Type:** Residential, Sidewalk

##### Origin / Return / Pickup Address Information

**Address:**  
**City:**  
**State:**  
**5-Digit ZIP Code:** 29577  
**4-Digit ZIP Code add on:**

##### Service Delivery Information

**PO Box:** N

##### Other Information

**Related Product:** 7022 2410 0001 6639 8667

##### Agent Information

Request Internal USPS Tracking Plus Statement

#### Extra Services

#### Extra Services Details

Description	Amount
USPS Tracking	
Return Receipt	\$3.05

Events									
Event	Event Code	Event Date	Event Time	Location	Input Method	Scanner #?	Carrier Route	Posting Date / Time (Central Time)	Other information
TRACKING INQUIRY, CALL CENTER	VT	03/22/2024	13:59		Customer Driven Activity			03/22/2024 14:02:06	
TRACKING INQUIRY, IVR	VT	03/22/2024	13:33		Customer Driven Activity			03/22/2024 13:36:03	
PACKAGE RESEARCH CASE CLOSED	VX	03/21/2024	09:23	ASH, NC 28420	Customer Driven Activity			03/21/2024 10:43:06	Case / Confirmation Number: 61958892
PACKAGE RESEARCH CASE CREATED	VC	03/20/2024	12:21	ASH, NC 28420	Customer Driven Activity			03/20/2024 13:43:08	Case / Confirmation Number: 61958892
TRACKING INQUIRY, CALL CENTER	VT	03/20/2024	12:10		Customer Driven Activity			03/20/2024 12:13:17	
TRACKING INQUIRY, IVR	VT	03/20/2024	11:52		Customer Driven Activity			03/20/2024 11:56:08	
<del>ENROUTE/PROCESSED</del>	<del>10</del>	<del>03/18/2024</del>	<del>22:54</del>	<del>RENO, NV 89510</del>	<del>Scanned</del>	<del>DIOS-010</del>	<del>Destined to route 28420171058</del>	<del>03/19/2024 01:09:05</del>	<del>Weight: 0 lb(s) 0.00 oz(s)</del>
<del>ENROUTE/PROCESSED</del>	<del>10</del>	<del>03/16/2024</del>	<del>15:27</del>	<del>RENO, NV 89510</del>	<del>Scanned</del>	<del>DIOS-012</del>	<del>Destined to route 28420171058</del>	<del>03/16/2024 17:40:04</del>	<del>Weight: 0 lb(s) 0.00 oz(s)</del>
<del>DEPART USPS FACILITY</del>	<del>EF</del>	<del>03/09/2024</del>	<del>03:47</del>	<del>FAYETTEVILLE, NC 28302</del>	<del>System Generated</del>			<del>03/09/2024 03:07:03</del>	<del>Dispatch Label ID: DS14 4133 3333 2403 0902 5533 000</del>
<del>ENROUTE/PROCESSED</del>	<del>10</del>	<del>03/08/2024</del>	<del>11:01</del>	<del>FAYETTEVILLE, NC 28302</del>	<del>Scanned</del>	<del>DSCS-003</del>	<del>Destined to route 28420171058</del>	<del>03/08/2024 10:09:04</del>	<del>Container ID: 895002405112691312821854 Weight: 0 lb(s) 0.00 oz(s)</del>
<del>ENROUTE/PROCESSED</del>	<del>10</del>	<del>03/07/2024</del>	<del>23:12</del>	<del>COLUMBIA, SC 29292</del>	<del>Scanned</del>	<del>AFCS200-002</del>		<del>03/07/2024 22:20:04</del>	<del>Weight: 0 lb(s) 0.00 oz(s)</del>
<del>DEPART POST OFFICE</del>	<del>SF</del>	<del>03/07/2024</del>	<del>16:20</del>	<del>MYRTLE BEACH, SC 29577</del>	<del>System Generated</del>			<del>03/07/2024 15:42:02</del>	<del>Closeout Label ID: CT13 7067 5000 2403 0715 3057 000</del>
<del>ACCEPT OR PICKUP</del>	<del>03</del>	<del>03/07/2024</del>	<del>11:15</del>	<del>MYRTLE BEACH, SC 29577</del>	<del>Scanned</del>	<del>MDD TR D189A13989 (interface type - wireless)</del>	<del>Scanned by route 9577C026</del>	<del>03/07/2024 10:19:03</del>	<del>Facility Finance Number: 456160 GEO Location Data Available</del>
<del>RETURN RECEIPT ASSOCIATED</del>	<del>GC</del>	<del>03/05/2024</del>	<del>11:42</del>	<del>NORTH MYRTLE BEACH, SC 29582</del>	<del>System Generated</del>			<del>03/05/2024 11:17:04</del>	

Enter up to 35 items separated by commas.

Select Search Type:

Quick Search

1 didn't do it I can still be arrested, and when I stated that,  
2 slander. Let me get this out. One moment, Your Honor.

3 THE COURT: Let me tell, you, Mr. Stagar, because I'm  
4 going to read this order to you because Judge Seals signed this  
5 order, and this was on September 2nd, so we're talking  
6 September, October, November, December, January, February,  
7 March, April, we're talking eight months ago, okay? And he  
8 tells you he heard the defendant's motion to dismiss the case  
9 pursuant to Rule 12 and Rule 11 and the Court ruled as follows:  
10 The plaintiff's motion, that's your motion, for entry of  
11 default and motion to enforce default is hereby denied. That's  
12 already been heard. ~~This Court finds the Summons and Complaint~~  
13 ~~were not properly served on the defendant pursuant to the Rules~~  
14 ~~of Civil Procedure, whereby, if a Summons and Complaint is~~  
15 ~~served by certified mail, same must be served by certified~~  
16 ~~mail, return receipt requested, and delivery restricted to the~~  
17 ~~addressee. This was not done.~~ The defendant's motion, which  
18 is Mr. McCutchen's motion is hereby granted. That's on his  
19 Motion to Dismiss, however, the Court is allowing you 30 days  
20 from the date of this order to properly amend your Summons and  
21 Complaint to state a proper cause of action and also to get it  
22 served properly. Mr. Stagar, this has not been done, and it's  
23 been eight months.

24 MR. STAGAR: Your Honor, plus, if I'm being held to  
25 that for an error, Mr. McCutchen never answered --



First-Class Mail  
 Postage & Fees Paid  
 USPS  
 Permit No. G-10



Mr. Joe  
 9758 Little River Rd.  
 Ash, NC 28420

PS Form 3811, July 2020 PSN 7530-02-000-9053

7022 2420 0001 6639 8667

2. Article Number (Transfer from service label)  
 9590 9402 8093 2349 7413 72

3. Service Type  
 Priority Mail Express®  
 Registered Mail™  
 Registered Mail Restricted Delivery  
 Adult Signature Restricted Delivery  
 Certified Mail®  
 Certified Mail Restricted Delivery  
 Signature Confirmation™  
 Signature Confirmation Restricted Delivery  
 Insured Mail  
 Collect on Delivery Restricted Delivery  
 Restricted Delivery  
 Mail Restricted Delivery (00)

1. Article Addressed to:  
 LUTHER O. McCLICHEN III  
 4610 OLE POND DR W2  
 SUITE 203  
 MYRTLE BEACH SC 29577

1. Complete items 1, 2, and 3.  
 2. Print your name and address on the reverse so that we can return the card to you.  
 3. Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature *Luther O. McClichen III*  
 Agent  Address

B. Received by (Printed Name)  
 C. Date of Delivery

D. Is delivery address different from item 1? Yes  No   
 If YES, enter delivery address below:

COMPLETE THIS SECTION ON DELIVERY

SENDER: COMPLETE THIS SECTION

Joseph Slagar  
9758 Little River Rd. NW  
Ash, NC 28420



Retail



RDC 99



29201

U.S. POSTAGE PAID  
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NORTH MYRTLE BEACH  
SC 29582  
MAR 26, 2024  
**\$10.16**  
R2304M118558-02

*South Carolina Court of Appeals*  
*1220 Senate St*  
*Columbia S.C. 29201*

**RECEIVED**

MAR 29 2024  
SC Court of Appeals

