

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Edward B. Cottingham, Circuit Court Judge

Case No. 2010-CP-26-07961

South Carolina Department of Transportation ..... Respondent,

v.

David Franklin Powell ..... Appellant.

**NOTICE OF APPEAL**

David Franklin Powell, Appellant, appeals the Order of the Honorable Edward B. Cottingham dated July 26, 2013 and filed with the Clerk of Court for Horry County on July 29, 2013 in connection with the above-referenced matter. Appellant received written notice of the Order Denying Landowner's Motion to Alter or Amend Under Rule 59(e) on August 13, 2013.



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Robert S. Shelton, Esq., SCB # 68543  
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*Attorneys for Appellant*

Myrtle Beach, South Carolina  
August 15, 2013

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Other Counsel of Record:

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South Carolina Department of Transportation ..... Respondent,

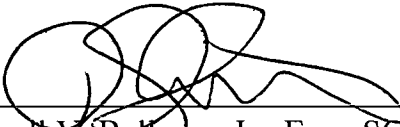
v.

David Franklin Powell ..... Appellant.

**PROOF OF SERVICE**

I certify that I have served the **Notice of Appeal** in the above-captioned matter on the following individuals by depositing a copy of it in the United States Mail, with sufficient first-class postage affixed, addressed as follows:

John B. McCutcheon, Jr., Esq.  
Barbara M. Wessinger, Esq.  
Thompson & Henry, P.A.  
Post Office Box 1740  
Conway, South Carolina 29528



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August 15, 2013

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August 15, 2013

**VIA CERTIFIED MAIL #7012 2210 0001 1285 3160**

**RETURN RECEIPT REQUESTED**

The Honorable Jenny Abbott Kitchings

Clerk of Court

South Carolina Court of Appeals

P.O. Box 11629

Columbia, South Carolina 29211

Re: South Carolina Dep't of Transportation, *Respondent*, v. David Franklin  
Powell, *Appellant*, Civil Action No. 2010-CP-26-7961  
Our file no. 24371-79385

Dear Ms. Kitchings:

Please find enclosed for filing a Notice of Appeal in the above-referenced matter.  
Also enclosed for filing are:

- (1) Proof of Service of the Notice of Appeal on the Respondent;
- (2) A copy of the written Order which is to be challenged on appeal;
- (2) A copy of my letter to the Horry County Clerk of Court confirming that the Notice of Appeal has been filed with the Circuit Court;
- (4) A check for the filing fee in the amount of \$100.00.

Our office has already received a copy of the hearing transcript in this matter. Therefore, according to my calculations, the Appellant's Initial Brief and Designation of Matter will be due on or before September 16, 2013. Please let me know immediately if my calculations are incorrect.

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**SC Court of Appeals**

The Honorable Jenny Abbott Kitchings  
August 15, 2013  
Page 2

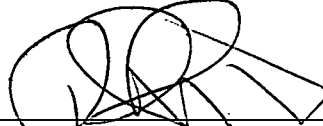
I have enclosed one (1) additional copy of the Notice of Appeal and would appreciate you returning a clocked copy to me in the self-addressed, stamped envelope I have provided.

Please do not hesitate to contact me should you have any questions.

With kindest regards, I am

Yours very truly,

BELLAMY, RUTENBERG, COPELAND,  
EPPS, GRAVELY & BOWERS, P.A.

A handwritten signature in black ink, appearing to read 'R. Shelton', is written over a horizontal line.

Robert S. Shelton

RSS:cld

Enclosures as stated

cc: John B. McCutcheon, Jr., Esq.  
& Barbara M. Wessinger, Esq.  
Attorneys for Respondent



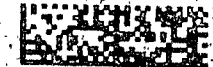
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