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Jun 17 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

James O. Spence

Master in Equity

Case No. 2019-CP-32-00630

Appellate Case No. 2023-01417

James G. Sercu and Sherri A.
Sercu,

Respondents,

v.

Douglas Steven Hart,

Appellant.

MOTION TO REINSTATE APPEAL

YOU WILL PLEASE TAKE NOTICE, that pursuant to Rule 260 of the South Carolina Rules of Appellate Court Rules, the Appellant, Douglas Steven Hart, by and through his undersigned counsel, move for an Order granting relief from this Court's Order of dismissal dated June 14, 2024. This motion is on the grounds that the on or about May 13, 2024, Appellant filed and served the record on appeal. On or about May 22, 2024, the Clerk of Court of Appeals issued a deficiency letter to Appellant's counsel and afforded counsel 10 days to correct the deficiency. Unfortunately, due to a calendaring error by Appellant's counsel, the deadline was inadvertently incorrectly calendared in Appellant's counsel's case management system causing Appellant to miss the deadline to correct the error in the initial filing of the

Record on Appeal. But for the mistaken calendar entry, Appellant would have responded to the Court's deficiency letter timely. Accordingly, Appellant respectfully requests that for good cause shown, the Court reinstate the Appeal.

s/ C. Cantzon Foster, II
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Other Counsel of Record:
James Randall Davis, Esquire and Matthew
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Randy@oldcourthouse.com
Attorney for Respondents

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Appellant.

PROOF OF SERVICE

I, C. Cantzon Foster II, attorney for the Appellants, do hereby certify that I have served the foregoing MOTION TO REINSTATE APPEAL, by depositing a copy of it in the United States Mail, postage prepaid, on June 17, 2024, addressed to their attorneys of record, James Randall Davis, Esquire and Matthew Rogers, Esquire, 140 East Main Street, Post Office Box 489, Lexington SC 29072 and by serving them with the same by email, on June 17, 2024 addressed to their attorneys of record, James Randall Davis, Esquire and Matthew Rogers, Esquire to the email addresses:

Mrogers@oldcourthouse.com and

Randy@oldcourthouse.com

June 17, 2024

s/ C. Cantzon Foster, II
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June 17, 2024

Sent Via Email ctappfilings@sccourts.org and US Mail

Clerk of Court of Appeals

1220 Senate Street

Columbia, SC 29201

Re: James G. Sercu and Sherri A. Sercu vs. Douglas Steven Hart.
2019-CP-32-00630; Appellate Case No. 2023-01417

Dear Sir/Madam:

Please find enclosed Appellant's Motion To Reinstate Appeal and Proof of Service in the above referenced case along with a \$50 filing fee.

Please accept my kindest regards,

Sincerely,

A handwritten signature in black ink, appearing to read "C. Cantzon Foster, II".

C. Cantzon Foster, II

Enclosures: (as stated)

cc: Sent Via Email and Hand Delivery

James Randall Davis, Esquire (Randy@oldcourthouse.com)

Matthew Rogers, Esquire (Mrogers@oldcourthouse.com)