

RECEIVED

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SC Court of Appeals

STATE OF SOUTH CAROLINA

COURT OF APPEALS

Appeal from Beaufort County

Court of Common Pleas

Appeal from Case#2019-CP-07-00617

Marvin H. Dukes. Master-in-Equity

Special Circuit Court Judge for Beaufort County

Appellate Case#2024-000660

Robert M. Lane, Pro Se

Plaintiff/Defendant/Appellant/Appellee

v.

Kevin J. Lane

Patricia E. Lane

Matthew W. Lane

Timothy J. Lane

Plaintiffs/Defendants/Appellants/Appellees

Represented by Russell Patterson, Esq.

MOTION TO REINSTATE WRONGFULLY DISMISSED APPEAL UNDER

RULE 260

Now here comes Robert M. Lane, Plaintiff/Appellant, filing this Motion to Reinstatement Wrongfully Dismissed Cross Appeal Under Rule 260. Robert Lane hereby requests that the Court of Appeals reinstate his cross appeal in accordance with South Carolina Judicial Branch Rule 260 based upon the fact that the Court of

Appeals failed to give him notice either via U.S. Mail or electronically via e-mail of any deficiencies in his filings. These deficiencies could have been easily corrected and indeed are now corrected in this filing. Further, the Court failed to timely advise him that his case was dismissed. He learned that his cross appeal had been dismissed without notice to him when he telephoned the Court of Appeals Clerk's Office on June 24, 2024. He is filing this timely request to reinstate his case due to the court's failure to notify him.

FACTS

1. The Beaufort County Court of Common Pleas entered its order in this property partition case on March 12, 2024 (EXHIBIT 1).
2. Robert Lane filed a timely Notice of Appeal and Notice of Self-Representation with the Beaufort County Court of Common Pleas along with a \$150.00 filing fee in the form of a cashier's check (EXHIBITS 2 & 4).
3. The Notice of Appeal was mailed via Federal Express overnight service (Tracking#273268858467) on April 10, 2024 and arrived at the Beaufort County Court of Common Pleas at 11:32 AM on April 11, 2024. See Federal Express proof of delivery attached (EXHIBIT 3).

4. Simultaneously with filing the Notice of Appeal and Notice of Self-Representation with the to the Court of Common Pleas, a copy with mailed via U.S. Mail to the State of South Carolina, Court of Appeals.
5. The Notice of Appeal and Notice of Self-Representation both included contact information for Plaintiff/Appellant Robert Lane (EXHIBIT 4).
6. On April 12, 2024, the Clerk's Office returns Robert Lane's Notice of Appeal and cashier's check for \$150.00. No letter accompanies the return nor is there any explanation for why the Clerk did not file the Notice of Appeal. (EXHIBIT 4)
7. On April 19, 2024, the Court of Appeals files Robert Lane's Notice of Appeal for the Cross Appeal in its docket (EXHIBIT 5).
8. On April 24, 2024, the Court of Appeals docket shows a Deficiency Notice sent (EXHIBIT 5).
9. Robert Lane did not receive said Deficiency Notice via U.S. Mail nor via e-mail to his e-mail address. He also did not receive a phone call from the Court (EXHIBIT 4).
10. Not having heard from Robert Lane, the Court dismissed his Cross Appeal on May 29, 2024 (EXHIBIT 5).
11. Robert Lane did not receive the Notice of Dismissal either via U.S. Mail or electronically to his e-mail (EXHIBIT 4)

12. Robert Lane could have easily corrected the deficiencies which he subsequently learned of with his phone call with the Clerk's Office on June 24, 2024. The deficiencies were failure to attach a copy of the Court's Order and failure to pay a \$250 filing fee (EXHIBIT 4).
13. Robert Lane did receive copies of other Court's filings dated June 17, 2024 and June 20, 2024 via U.S. Mail. The Court also sent the June 20th filing via e-mail to his address of robertmlane@ymail.com. This was the first e-mail that Robert ever received from the Court. (EXHIBIT 4).
14. It was clear that the Court had Robert's e-mail address (EXHIBIT 4).
15. Robert Lane called the Clerk's Office at 12:54 PM ET on June 24, 2024. Robert was horrified to learn that the Court had dismissed his appeal. Robert advised the Clerk's office that he had not received the Deficiency Notice nor the Notice of Dismissal either via U.S. Mail or e-mail (EXHIBIT 4).
16. Robert believes that the Court made a mistake in not timely notifying him of either the deficiency of the filing or the dismissal. Robert attaches the order herein addressing the first deficiency (EXHIBIT 2) and the \$250 filing fee if the Court issues an order reinstating his appeal (EXHIBIT 4).
17. Robert Lane does not believe that he should not be denied his appeal due to the Court's error (EXHIBIT 4).
18. Robert Lane believes that his appeal has legal merit (EXHIBIT 4).

19. Robert Lane believes that he has good cause for requesting reinstatement of his case (EXHIBIT 4).

20. The case is still pending as of today's date and has not been closed (EXHIBITS 4 & 5)

LEGAL ARGUMENT

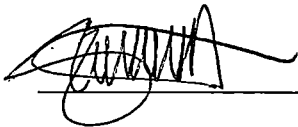
Robert Lane requests that his appeal be reinstated in accordance with South Carolina Rule 260, Dismissal and Reinstatement. Under Rule 260, a case may be reinstated by leave of the Court for good cause. Robert files his motion for reinstatement within 15 days after learning on June 24, 2024 that his case was dismissed. Robert Lane further believes that he has good cause---he was not informed of the deficiencies or dismissal until June 24, 2024. Under South Carolina law, it is considered good cause to have an appeal reinstated when a party has not received orders from a governmental entity. Matute v. Palmetto Health Baptist, 705 SE 2d 472, 391 SC 291 (SC Ct. App, 2011). Good cause is a standard designed to excuse honest, harmless human mistakes so a case may be judged on its merits rather than its missteps. S.C. Ins. Co. v. James C. Greene & Co., 290 S.C. 171, 188, 348 S.E.2d 617, 626 (SC Ct. App. 1986).

Lastly, Robert's appeal has legal merit.

CONCLUSION

The Court is requested to take leave and reinstate Robert Lane's appeal for good cause---mainly that he was not notified of the deficiencies of the case or the dismissal. Robert has now cured the deficiencies by attaching the order herein and enclosing payment for \$250.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Robert M. Lane', is written over a horizontal line.

Robert M. Lane
4616 W. Sahara #589
Las Vegas, NV 89102
e-mail-robertmlane@ymail.com
Phone: (702)-292-4797

Dated July 1, 2024

EXHIBIT 1

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT
CASE NO.: 2019-CP-07-617

LEGAL SERVICES FUNDING CORP.,)
)
Plaintiff,)

vs.)

AMENDED FINAL ORDER

KEVIN J. LANE, PATRICIA E. LANE,)
TIMOTHY J. LANE, AND)
MATTHEW W. LANE,)
)
Defendants,)

PATRICIA E. LANE, KEVIN J. LANE,)
TIMOTHY J. LANE, AND)
MATTHEW W. LANE,)
)
Third-Party Plaintiffs,)

vs.)

ROBERT M. LANE, RICHARD)
FRIEDMAN,)
)
Third-Party Defendants.)

The Court issued its Final Order in this matter on January 19, 2024 ("Original Order"). Thereafter, the Plaintiff filed a Motion for Reconsideration, dated January 26, 2024 and the Lane Defendants and Third- Party Plaintiffs filed a Motion for Reconsideration on January 29, 2024. This Court has decided not to grant either motion except as to remove the debit for the use of the Property for the two(2) months (July 29, 202 to September 30, 2020) the Property was not habitable due to mold and water damage. (D. Ex. 36(c) This Amended Order incorporates said single change to the Original Order.

1. This partition action came before me for a final hearing at the Beaufort County Courthouse on Wednesday, November 15, 2023. Appearing for the Plaintiff was William M.

EXHIBIT

Bowen and appearing for the Defendants and Third-Party Plaintiffs was Russell P. Patterson. As noted below, the Third-Party Defendants Robert M. Lane and Richard Friedman are in default in this matter.

After consideration of the legal memorandum submitted by counsel both before and after trial, and the extensive testimony and documentary evidence admitted at trial, this Court makes the following Findings of Fact and Conclusions of Law in granting the partition request.

A. Procedural History

2. Legal Services Funding Corp. ("Legal Services") originally filed a partition action as to Unit E-5 Sailmaster, a condominium located on Hilton Head Island (TMS R510-015-000-0202-D016 – "Property") on October 27, 2016 (CA No: 2016-CP-07-2295 - "Original Partition Action"). The defendants in that action, the Estate of Patricia A. Lane, and the named Defendants in this action, on February 1, 2017, filed an Answer and Counterclaim seeking to enforce an option discussed below on Page 4. Thereafter, pursuant to a Form 4 Order, dated May 3, 2017, the Original Partition Action was dismissed by this Court due to the failure of Legal Services to pay the \$125 reference fee.

3. Some two (2) years thereafter, Legal Services filed the instant case, an almost identical Complaint on March 18, 2019, seeking a partition sale of the Property and a cause of action for unjust enrichment for the fair market value of the rents on the Property. At the time this action was filed, title was held one-half (1/2) by the Plaintiff Legal Services Funding Corp (D. Ex. 5) and one-half (1/2) by the Defendants, Patricia E. Lane, Kevin J. Lane, Mathew W. Lane, and Timothy J. Lane (D. Ex. 6). There are no mortgages on the Property. The Defendants on July 24, 2019 gave notice of their Notice of Exercise of Right of First Refusal, under § 15-61-25(A), to purchase the interest of Legal Services.

4. On April 15, 2021, the Defendant Patricia E. Lane filed an Amended Answer, Counterclaim and Third Party Complaint against Robert M. Lane and Richard Friedman (“Amended Answer, Counterclaim and Third Party Complaint”). The Third Party Defendants Robert M. Lane and Richard Friedman were duly served and failed to respond in a timely manner to said pleadings. They were found to be in default. (April 14, 2022 Order Denying Third-Party Plaintiffs’ Motion to Dismiss, p. 12). Legal Services did timely respond to the Amended Answer, Counterclaim and Third Party Complaint on April 29, 2021.

5. Thereafter, the Defendant Robert M. Lane filed a Motion to Dismiss Default, dated March 31, 2022. This Court, by Order dated March 8, 2023, denied said Motion and found Robert M. Lane in default. Under Rule 55 SCRPC the allegations of the Third Party Complaint are deemed admitted by Robert M. Lane and Richard Friedman.

6. The Causes of Action against Robert M. Lane and Richard Friedman, subject to the Order of Default and **therefore deemed admitted**, are as follows:

A. Fraudulent Conveyance (Conveyance of Ownership Interest in Legal Services from Robert M. Lane to Richard Friedman)

1. That at the time Robert M. Lane was aware of the debt due Patricia E. Lane, he transferred for no consideration his interest in Legal Services to Richard Friedman.
2. That Robert M. Lane did not retain sufficient assets to properly pay said debt, not merely at the time of the transfer of said corporate interest, but at any time thereafter.
3. Said transaction was intended to defraud lawful creditors of Robert M. Lane, namely Patricia E. Lane.

B. Piercing the Corporate Veil (Robert M. Lane owner Legal Services)

1. Patricia E. Lane obtained a judgment against Robert M. Lane for \$129,891 in the U.S. District Court of Wyoming on January 9, 2018. That said judgment was domesticated in Beaufort County on May 31, 2019.
2. That at all times relevant, Legal Services was undercapitalized, failed to observe corporate formalities, and lacked corporate records. Further, Robert M. Lane siphoned off funds of Legal Services, and that Legal Services was a mere façade for the benefit of Robert M. Lane.

C. Execution on Judgment

1. That this Court find that the ownership interest in Legal Services is held by Robert M. Lane.
2. That since Patricia E. Lane holds a \$129,899 judgment (plus interest) against Robert M. Lane, any monies found to be due Robert M. Lane or Legal Services in this partition action be first applied to the judgment debt.

B. Legal Discussion

(1) Enforcement of Option

7. The Defendants seek the enforcement of a March 5, 1992 Option granted by ILMMB, through Robert M. Lane, as President, in favor of his parents, Patricia A. Lane and Robert F. Lane ("Parents"), for \$1.00 (D. Ex. 8). Said Option was conveyed to the Parents as a gift and there was no evidence it had ever been withdrawn, terminated or cancelled. Defendants assert said Option was exercised on two (2) separate occasions. On April 16, 2016, Patricia E. Lane, as attorney-in-fact under a recorded Power of Attorney from her mother, provided notice of

the exercise of the Option to Robert M. Lane and his company, ILMMB, the then record owner of the Property (D. Ex. 10). No response was made by said parties.

8. Thereafter, on February 9, 2021, after both Parents had passed away, Patricia E. Lane and Kevin J. Lane, in their capacities as heirs of their Parents, again provided notice to Robert M. Lane, ILMMB and Legal Services, the then owner of the Property, of the exercise of the Option (D. Ex. 11). Again, no response was made by said parties.

9. This Court finds that the Option is not enforceable since there was no initial consideration provided to support the formation of a binding contract.

2. Partition Accounting

10. As the Court has rejected the Defendants' claims seeking to enforce the Option, the remaining issue before the Court is an accounting typical of a customary partition action.

With certain modifications, the Court adopts Defendants' accounting admitted into evidence as D. Ex. 42. A discussion of each component of the accounting follows.

- a. Fair Market Value of Property ("FMV") – The Defendant put into evidence a current appraisal by Steve Lindsay, a licensed appraiser, showing a fair market value of the Property at \$575,000 (D. Ex. 40). The Court adopts said value. This equates to \$287,500 to each party ($\$575,000/2$).
- b. Regime Fees/Property Taxes/Insurance/Shipyard Fees – Defendant Patricia E. Lane, who has lived in the Property since 2008, has paid 100% of the regime fees (\$51,551.67), property taxes (\$22,702.62), Shipyard Property Owner Association fees (\$500), and HOG Insurance Assessment (\$4,809.09). These expenses total \$79,563.38.

- c. Mold Repairs – The Court finds that there was water intrusion and mold damage to the Property not covered by any insurance. While Defendants claim total damages of \$25,045.56 (D. Ex. 36), this Court is deducting hotel rooms (\$9,382.75) and meals (\$418.96) paid by the Defendants during repairs, when Patricia E. Lane was forced to vacate the Property, upon the basis it is not reasonable or appropriate for these expenses to be charged Plaintiff in this Partition action. Thus, the total allowed expenses for Mold Repairs is adjusted to \$15,243.85 (\$25,045.56 – (\$9,382.75 + \$418.96)).
- d. Total Property Expenses Paid by Defendant – Based on the above, the Defendants have paid from February 1, 2019 through the hearing date a total of \$94,807.23 in Property expenses (\$51,551.67 + \$22,702.62 + \$500 + \$4,809.09 + \$15,243.85). One-half (1/2) of these expenses, or \$47,403.61 (\$94,807.23/2) should be deducted from the Plaintiff's one-half share of the FMV of the Property.
- e. Fair Rental Rates – I find and conclude the fair rental rate or charge due the Plaintiff is as testified by the Defendant, Patricia E. Lane and as set forth in D. Ex. 50. The total fair market rents on the Property from February 1, 2019 through trial was \$153,600. I have deducted two(2) months' rent, or \$4800 (2 x \$2400: D. Ex. 50) due to the fact that the Property was not habitable due to the mold and water remediation that took place from on or about July 29, 2022 to September 30, 2020. With this deduction, the total fair market rental is \$148,800.(\$153,600- \$4,800). Plaintiff is entitled to a credit of one-half (1/2) of this total, or \$74,400 (\$148,800/2). This amount should be added to the monies due and owing to the

Plaintiff in the Partition accounting. I do not find the Plaintiff's representative Robert M. Lane's testimony on this issue as credible or persuasive.

- f. Federal Court Judgment (D. Ex. 51) – Defendant Patricia E. Lane testified at length as to a January 9, 2018 judgment in her favor against the Third-Party Defendant Robert M. Lane in the principal amount of \$129,899 filed in the U.S. District Court for the District of Wyoming (Civil No.: 15-CV-155-F) (D. Ex. 51 - “Judgment”). Said Judgment has been domesticated in South Carolina (Judgment Roll 2019CP071280) and remains unsatisfied. Under 28 U.S.C.A. 1961(a), the interest that has accrued on said Judgment is \$14,711.58 through December 20, 2023 (per diem \$6.70) (See attached Exhibit 1). Thus, the total due on said judgment is \$144,610.58 (\$129,788 + \$14,711,58). Based on the deemed admitted allegations of the Third-Party Plaintiff's Amended Answer, Counterclaim and Third-Party Complaint, I find and conclude that Legal Services is the alter ego of Robert M. Lane and this Court should pierce the corporate veil and set-off, or reduce any monies due Plaintiff as a result of this Partition action the Judgement Payoff. This finding is further supported by the findings and conclusions of Judge Cathleen D. Parker in her December 8, 2022 Order filed in the United States Bankruptcy Court, for the District of Wyoming (Adv. Pro. No. 20-02018) (D. Ex. 29), the testimony of Patricia E. Lane, and the testimony of Richard Friedman in the Robert M. Lane Bankruptcy Adversary Proceeding (D. Ex. 52).
- g. Defendant Attorney Fees and Costs – This Court has carefully considered the Affidavit of Attorney Fees submitted by Defendant's counsel requesting \$63,837.04 in attorney fees and costs (D. Ex. 41). This Court has taken into

consideration the very extensive amount of time and effort involved in this case over the four (4) years and eight (8) months it has been pending. The issues involving the Option, the accounting for a period of over four and one-half (4½) years, and the very extensive bankruptcy proceeding of the Third-Party Defendant Robert M. Lane; support the detailed billing records of the amount of time reasonably related to this matter. The hourly rates charged are comparable to counsel in our area with similar experience. Mr. Patterson has tried many cases before this Court and enjoys an excellent reputation. Under Section 15-61-110 of the SC Code of Laws, I find that the Plaintiff should be responsible for one-half (1/2) of these fees and costs, or **\$31,918.52** (\$63,837.04/2).

h. Final Accounting – Based upon the above, I find and conclude the Plaintiff is entitled to the sum of **\$140,367.39** for its one-half interest in the Property, as follows:

1. (1/2) Fair Market Value	\$287,500.00
2. <u>Less:</u> ½ Expenses Paid by Defendant	(47,403.61)
3. <u>Plus:</u> ½ Rents Due Plaintiff	74,400.00
4. <u>Less:</u> Judgement Payoff per Diem of \$6.70 from 12/20/23	(144,610.58)
5. <u>Less:</u> ½ Defendant’s Attorney Fees and Costs	<u>(31,918.52)</u>
6. <u>Total Due Plaintiff</u>	<u>\$ 137,967.29</u>

i. Payment by Defendant of Total Due Plaintiff – The Defendants shall have one (1) year from the date of this Order to pay the Plaintiff the Total Due Plaintiff of **137,967.29**, plus interest at the South Carolina judgment rate (currently 11.50% for 2023). Upon timely payment, the Plaintiff will convey by general warranty deed

to the Defendants, or their designee, good and marketable title to the Property. If Plaintiff refuses to sign said deed upon Defendant's tendering payment, the Court will execute a Master's Deed to Defendant for Plaintiff's interest.

- j. Payment of Total Due Plaintiff not Timely Made – If the Total Due Plaintiff (with interest) is not paid within the one (1) year period, this Court will, upon petition by any party, initiate the sales procedure for the Property at a judicial sale and disburse the resulting proceeds consistent with terms of this Order and South Carolina law.
- k. Continued Occupancy of Property – Until the deed is executed by Plaintiff upon receipt of the Total Due Plaintiff (with interest), or the judicial sale is complete, the Defendant, Patricia A. Lane, can continue to occupy the Property with no further obligation to the Plaintiff of any kind other than the accruing interest referenced above.

AND IT IS SO ORDERED.

Marvin H. Dukes
Beaufort County Master-In-Equity

Beaufort, South Carolina
_____, 2024

EXHIBIT 2

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of
Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes III

Master in Equity and Special Circuit

Court Judge for Beaufort County

Case No. 2019-CP-07-00617

Robert M. Lane

Appellant.

v.

Kevin J. Lane, Patricia E.
Lane, Timothy J. Lane and
Matthew W. Lane

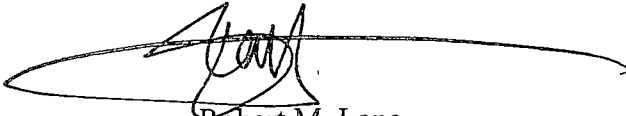
Appellees,

2024 APR 12 PM 4:59
JERRI ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

NOTICE OF APPEAL

Robert M. Lane appeals the Orders of the Honorable Marvin H. Dukes III dated January 19, 2024 and March 12, 2024. Appellant received written notice of entry of this Order on March 12, 2024.

April 10, 2024


Robert M. Lane
4616 W. Sahara #589
Las Vegas, NV 89102
702-292-4797
Pro-Se for Appellant

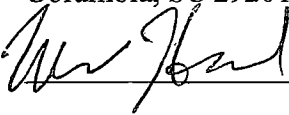
Other Counsel of Record
Russell Patterson, Esq.
P O Box 8047
Hilton Head Island, SC 29928
Attorney for Respondent
(843) 341-9300

CERTIFICATE OF SERVICE

The Notice of Appeal was mailed on April 10, 2024 to

Russell Patterson; Esq.
P.O. Box 8047
Hilton Head Island, SC 29928

South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201



2024 APR 12 PM 4:59
JERRIL ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

THE STATE OF SOUTH CAROLINA
In The Court of
Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes III

Master in Equity and Special Circuit

Court Judge for Beaufort County

Case No. 2019-CP-07-00617

2024 APR 12 PM 4:59
JERRI ANH ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

Robert M. Lane

Appellant

v


Kevin J. Lane, Patricia E.
Lane, Timothy J. Lane and
Matthew W. Lane

Respondents

NOTICE OF APPEARANCE

Robert M. Lane hereby notifies the Court that he is now appearing and representing himself as he can no longer afford an attorney.

April 10, 2024

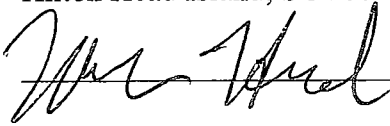

Robert M. Lane,
Pro Se
4616 W. Sahara #589
Las Vegas, NV 89102
702-292-4797

Other Counsel of Record
Russell Patterson, Esq.
P O Box 8047
Hilton Head Island, SC 29928
(843) 341-9300

CERTIFICATE OF SERVICE

The Notice of Appearance was mailed on April 10, 2024 to

Russell Patterson, Esq.
P.O. Box 8047
Hilton Head Island, SC 29928



2024 APR 12 PM 4:59
JERRI ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

EXHIBIT 3

FedEx® Tracking

Local Scan Time •

Track Another Shipment •

[Help](#) •

DELIVERED

Thursday 4/11/24 at 11:32 AM

Signed for by: S.MITH

Obtain proof of delivery

DELIVERY STATUS

Delivered

Report missing package

Want updates on this shipment? Enter your email and we will do the rest!

Your email

SUBMIT

MORE OPTIONS

TRACKING ID

273268858467

FROM

Las Vegas, NV US

Label Created

4/10/24 6:30 PM

LAS VEGAS, NV

4/10/24 5:00 PM

ON THE WAY

SAVANNAH, GA

4/11/24 8:32 AM

OUT FOR DELIVERY

SAVANNAH, GA

4/11/24 8:32 AM

DELIVERED

Beaufort, SC US

Delivered

4/11/24 at 11:32 AM

[View travel history](#)

Shipment facts

Shipment overview

TRACKING NUMBER	273268858467
DELIVERED TO	Receptionist/Front Desk
SHIP DATE	4/10/24
STANDARD TRANSIT	4/11/24 before 12:00 PM
DELIVERED	4/11/24 at 11:32 AM

Services

SERVICE	FedEx Priority Overnight
TERMS	Third Party
SPECIAL HANDLING SECTION	Deliver Weekday

Package details

WEIGHT	0.5 lbs / 0.23 kgs
TOTAL PIECES	1
TOTAL SHIPMENT WEIGHT	0.5 lbs / 0.23 kgs
PACKAGING	FedEx Envelope

[Back to top](#)

Travel history

SORT BY DATE/TIME [Ascending](#)[Descending](#)

[Time zone](#)[Local Scan Time](#)[Origin](#)[Destination](#)[Others](#)

Travel History

Date

Wednesday, 4/10/24

Time, Status and Location

Shipment information sent to FedEx

Shipment arriving On-Time
LAS VEGAS, NV

Picked up At FedEx Office
LAS VEGAS, NV

Picked up
LAS VEGAS, NV

Left FedEx origin facility
LAS VEGAS, NV

Thursday, 4/11/24

Arrived at FedEx hub
MEMPHIS, TN

Delay Package delayed
MEMPHIS, TN

Departed FedEx hub
MEMPHIS, TN

Shipment arriving On-Time
MEMPHIS, TN

At destination sort facility
SAVANNAH, GA

At local FedEx facility
SAVANNAH, GA

On FedEx vehicle for delivery
SAVANNAH, GA

At local FedEx facility
SAVANNAH, GA

Delivered
Beaufort, SC

Delivered
Beaufort, SC

EXHIBIT 4

AFFIDAVIT OF ROBERT M. LANE

Comes now the Robert M. Lane, and for his Affidavit states the following:

1. I am over the age of eighteen and I am competent to testify to the matters set forth herein.
2. The facts set forth in this Affidavit are within my own personal knowledge.
3. I filed a timely Notice of Appeal and Notice of Self-Representation with the Beaufort County Court of Common Pleas along with a \$150.00 filing fee in the form of a cashier's check.
4. The Notice of Appeal was mailed via Federal Express overnight service (Tracking#273268858467) on April 10, 2024 and arrived at the Beaufort County Court of Common Pleas at 11:32 AM on April 11, 2024.
5. Simultaneously with filing the Notice of Appeal and Notice of Self-Representation with the to the Court of Common Pleas, a copy with mailed via U.S. Mail to the State of South Carolina Court of Appeals.
6. The Notice of Appeal and Notice of Self-Representation both included contact information for Plaintiff/Appellant Robert Lane.
7. On April 12, 2024, the Clerk's Office returns Robert Lane's Notice of Appeal and cashier's check for \$150.00. No letter accompanies the return

nor is there any explanation for why the Clerk did not file the Notice of Appeal.

8. I did not receive said Deficiency Notice via U.S. Mail nor via e-mail to his e-mail address. I also did not receive a phone call from the Court.
9. I did not receive the Notice of Dismissal either via U.S. Mail or electronically to his e-mail.
10. I could have easily corrected the deficiencies which he subsequently learned of with his phone call with the Clerk's Office on June 24, 2024. The deficiencies were failure to attach a copy of the Court's Order and failure to pay a \$250 filing fee.
11. I did receive copies of other Court's filings dated June 17, 2024 and June 20, 2024 via U.S. Mail. The Court also sent the June 20th filing via e-mail to my address of robertmlane@gmail.com. This was the first e-mail that Robert ever received from the Court.
12. It was clear that the Court had my e-mail address.
13. I called the Clerk's Office at 12:54 PM ET on June 24, 2024. I was horrified to learn that the Court had dismissed my appeal. I advised the Clerk's office that I had not received the Deficiency Notice nor the Notice of Dismissal either via U.S. Mail or e-mail.

14.I believes that the Court made a mistake in not timely notifying me of either the deficiency of the filing or the dismissal. I attach the order herein addressing the first deficiency (EXHIBIT 2) and the \$250 filing fee if the Court issues an order reinstating his appeal.

15.I do not believe that I should not be denied my appeal due to the Court's error.

16.I believe that my appeal has legal merit.

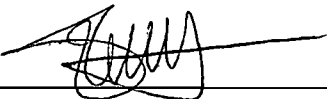
17.I believe that I have good cause for requesting reinstatement of my case.

18.The case is still pending as of today's date and has not been closed/

I affirm under the penalties for perjury under the laws of the State of South Carolina that the foregoing representations of fact are true and correct.

FURTHER AFFIANT SAYETH NOT.

Dated: 7-1-24



Robert M. Lane

EXHIBIT 5

Case Information: 2024-000660

Court: Court of Appeals **Classification:**

Short Title: Legal Services Funding Corp. v. Kevin J. Lane **Case Status:**

[View Full Title](#)

Consolidated:

Filed Date: 04/19/2024 **Oral Argument Da**

Disposition Date: 05/29/2024 **Disposition Type:**

Remittitur Date:

Lower Court or Tribunal: Beaufort (2019CP0700617)

- Party Information

Appellate Role	Party Name	Former	Attor
Appellant	Kevin J. Lane	N	Russe
Appellant	Matthew W. Lane	N	Russe
Appellant	Patricia E. Lane	N	Russe
Appellant	Timothy J. Lane	N	Russe
Respondent	Robert M. Lane	N	Self R

Views

Display: Ascending Descending

Event Information

Filed Date	Event Information
06/20/2024	Motion - Order Transcript Outside of Deadlines
06/17/2024	Deficiency - Deficiency Letter Sent (Transcript Correspondence)
06/07/2024	Transcript Documents - Transcript Ordered
05/30/2024	Correspondence - Outgoing (Transcript Overdue Letter)
05/29/2024	Dispositional Decision - Order (PARTIAL)
04/25/2024	Deficiency - Correction (Amended Notice of Appeal and Order)
04/24/2024	Deficiency - Deficiency Letter Sent (Cross Appeal)

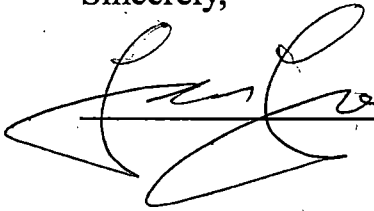
04/24/2024	Deficiency - Deficiency Letter Sent (Notice of Appeal)
04/24/2024	Correspondence - Outgoing (Multiple Notices Letter)
04/19/2024	Notice of Appeal (Civil) - Cross Appeal
04/19/2024	Notice of Appeal (Civil) - Initial

CERTIFICATE OF SERVICE

The Motion to Reinstate Wrongly Dismissed Appeal Under Rule 260 was mailed on July 1, 2024 to all appellees/defendants via their counsel:

Russell Patterson, Esq.
P.O. Box 8047
Hilton Head Island, SC 29928

Sincerely,



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JUL 03 2024

SC Court of Appeals

Robert M. Lane
4616 W. Sahara #589
Las Vegas, NV 89102

July 1, 2024

Clerk of Courts
Court of Appeals
1220 Senate St.
Columbia, SC 29201

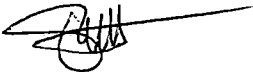
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SC Court of Appeals

Dear Clerk,

Enclosed please find a motion to reinstate my case along with a check for the \$50 filing fee. Additionally, there are two checks totalling \$250 that may be cashed when my case is reinstated.

Please contact me at robertmlane@ymail.com or 702-292-4797 should you have any questions.

Sincerely,



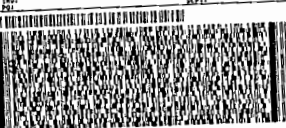
Robert M. Lane

WORLD

ORIGIN ID:FLKA (702) 292-4797
ROBERT LINE
4616 W SAHARA AVE
#589
LAS VEGAS, NV 89102
UNITED STATES US
SHIP DATE: 01 JUL 24
ACISET: 0.40 US
CAI: 62P0441/R0SR2536
BILL THIRD PARTY

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