

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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AUG 28 2024

SC Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Circuit Court

Maite Murphy, Circuit Court Judge

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Case No.: 2022-CP-40-05570  
Appellate Case No.: 2023-001423

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Alisha Baity, Aaron Baity, and Ambrose Nolan Baity.....Appellants,

v.

Geraldine Vanessa Myers-Moore.....Respondent.

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**FINAL REPLY BRIEF OF APPELLANTS**

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August 28, 2024

## TABLE OF CONTENTS

|   |    |
|---|----|
| Table of Authorities .....  | ii |
| Argument .....  | 1  |
| I.    Respondent fails to address Appellant’s arguments that Appellant fully<br>complied with all of the filings and service rules under the S.C.R.C.P..... | 1  |
| Conclusion .....  | 1  |

**TABLE OF AUTHORITIES**

**CASES**

McLain v. Ingram, 314 S.C. 359, 444 S.E.2d 512 (1994).....1

**OTHER AUTHORITIES**

South Carolina Rules of Civil Procedure, Rule 5(d).....1

## ARGUMENT

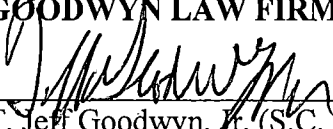
### **I. Respondent fails to address Appellant's arguments that Appellant fully complied with all of the filing and service rules under the S.C.R.C.P.**

Appellant argues in her initial brief that she fully complied with the filing and service rules of the S.C.R.C.P. In response, Respondent makes no attempt to refute this argument and repeats the Probate Court's flawed reasoning in dismissing the case claiming that a filed copy of the Summons and Complaint must be served on the defendant. As more fully set forth in Appellant's initial brief, serving a *filed copy* of the Summons and Petition is not required by South Carolina Rules of Civil Procedure, Rule 5(d), or any other rule of civil procedure or the relevant case law.

Respondent again cites *McLain v. Ingram*, 314 S.C. 359, 444 S.E. 2d 512 (1994) which stands for the proposition that the Summons and Complaint must be filed prior to service. As shown in Appellant's initial brief and as is undisputed in this case, the Summons and Petition were filed prior to service. Neither the court in *McLain v. Ingram* nor any rule of civil procedure requires that a filed copy of the Summons and Petition be served on the defendant. *Id.*

What is required is that the Summons and Complaint be filed before service and that the case number be included on the Summons. Both of these actions were taken by Appellant as shown in Appellant's initial brief. For this reason and the others more fully detailed in Appellant's Initial Brief, Appellants have fully complied with all of the South Carolina Rules of Civil Procedure related to the service of the Summons and Petition and this Court should reverse the Probate Court's ruling on this issue and reinstate the case.

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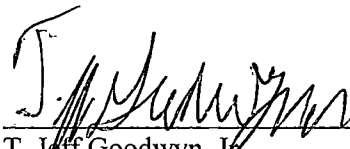
Alisha Baity, Aaron Baity, and Ambrose Nolan Baity.....Appellants,

v.

Geraldine Vanessa Myers-Moore.....Respondent.

**CERTIFICATE OF COUNSEL**

The undersigned counsel certifies that the Final Reply Brief of Appellant complies with Rule 211(b), SCACR.



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