

THE STATE OF SOUTH CAROLINA
In The South Carolina Court Of Appeals

70279

APPEAL FROM SALUDA COUNTY
Court of Common Pleas
Kathy O. Rushton, Special Referee

Case No. 2008-CP-41-099
Appellant Case No. 2012-208166

Bobby Jo Clark,

Respondent

v.

Fairy Bell Irving, Andrew Irving A/K/A/ Andrew Erving, Alfonzo Irving A/K/A/Alfonzo Erving, John D. Irving A/K/A John D. Erving, William T. Irving A/K/A William T. Erving, Robert Irving, Sr., A/K/A Robert Irving, Sr., Sally May Morgan, F/K/A Sallie May Irving, Minnie Lee Butler, F/K/A Minnie Lee Irving, Joyce Thelma Taylor, F/K/A Joyce Thelma Irving, Mary Irving A/K/A Mary Erving, Mamie Irving, A/K/A/ Mamie Erving, Jessie Ina Irving A/K/A Jessie Ina Erving, Julious Irving, A/K/A Julious Erving, Rashell Irving, A/K/A Rashell Erving, Fairy May Irving, Thelma Irving, Anell I Ray Julious Irving, Jr., Alfreda Irving, Thelma Cartlele, Bennie Warren Butler, And Persons Claiming Any Right, Title Estate, Interest In Or Lien Upon The Real Estate Described In The Complaint Herein, Any Unknown Adults Being A Class Designated As John Doe; And Any Unknown Minors Or Other Persons Under Legal Disability Being A Class Designated As Richard Roe, Defendants,

Of whom Joyce Thelma Irving is the Appellant

MOTION TO REINSTATE

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SC Court of Appeals

This Appeal was dismissed by Order of the Clerk of the Court of Appeals, filed September 26, 2013, because Appellant failed to timely file the Proof of Service of the Record on Appeal, as required by Rule 210, SCAR.

Rule 260, SCAR, allows reinstatement for “Good Cause Shown, After Notice To All Parties.” Good cause is abundantly evident from the following facts and gives rise to ample room for this Court to reinstate this Appeal. Notice is being given simultaneously with the filing of this Motion:

1. On September 20, 2013 my Law Office was burglarized and vandalized. This resulted in missing mail and damage to my office computers, as the intruders attempted to access information in my office. As a result of these third-party acts I have missed the deadline for submitting the Certificate of Service for the Record on Appeal and the service of the Record on Appeal upon opposing counsel in this matter. I have attached a copy of the Incident Report that reflects the pertinent information concerning the break-in.

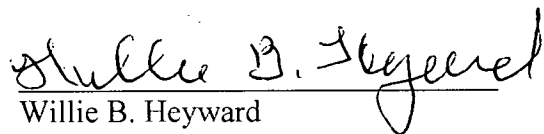
2. I am requesting that this Court grant this Motion for the acceptance of the Certificate Of Service for the Record on Appeal, out of time, and to reinstate this matter on the Court’s active docket, for good cause shown.

3. Appellant is simultaneously filing the said Record on Appeal and Proof of Service for the same herewith. Wherefore, because the above failure was harmless and without prejudice to the Respondent, Appellant moves that this case be reinstated to the active docket and proceed on Appeal.

SIGNATURE PAGE FOLLOWS

Respectfully submitted,

October 31, 2013



Willie B. Heyward
Heirs' Property Law Center, LLC
27 Gamecock Ave. Suite 200
Charleston, South Carolina 29407
Telephone; (843) 225-8754
Attorney for Appellant

INCIDENT/INVESTIGATION REPORT

Agency Name
Charleston Police Department

ORI
SC0100100

Case#
13-15128

Date / Time Reported
09/20/2013 06:27 Fri

Last Known Secure
09/20/2013 05:00 Fri

At Found
09/20/2013 05:05 Fri

Location of Incident
27 Gamecock Ave Apt. 200, Charleston SC 29407-

Premise Type
Commerical/office

Zone/Tract
429

#	Crime Incident(s) (Com)	Weapon / Tools	Entry	Exit	Security	Activity
#1	Burglary / Breaking & Entering 220					
#2	Crime Incident					
#3	Crime Incident					

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of Victims **1** Type: **BUSINESS** Injury:

VI	Victim/Business Name (Last, First, Middle)	Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
V1	COUNTS & HUGER LLC	1	Age					

Home Address
27 GAMECOCK AVE - 200, Charleston, SC 29407-

Employer Name/Address
27 GAMECOCK AVE - 200, Charleston, SC 29407-

Business Phone
843-573-0143

Mobile Phone

VYR Make Model Style Color Lic/Lis VIN

V
I
C
T
I
M

CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)

Type: **INDIVIDUAL/ NOT LAW ENFORCEMENT** Injury:

Code	Name (Last, First, Middle)	Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
CO	DEEG, GARY		01/28/1975 Age 38	W	M			

Home Address
180 Lockwood Dr Charleston, SC 29403

Employer Name/Address

Business Phone
843-577-7434

Mobile Phone

O
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E
R
S

Type: **INDIVIDUAL/ NOT LAW ENFORCEMENT** Injury:

Code	Name (Last, First, Middle)	Victim of Crime #	DOB	Race	Sex	Relationship To Offender	Resident Status	Military Branch/Status
OT	COUNTS, GEORGE E		03/31/1961 Age 52	B	M			

Home Address
1610 Wayah Dr Charleston, SC 29414

Employer Name/Address
Counts & Huger, 27 Gamecock Ave

Business Phone
843-573-0143

Mobile Phone

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1 = None 2 = Burned 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown ("OJ" = Recovered for Other Jurisdiction)

VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number
1	20	7	\$100.00		100	MONEY		
	07	7	\$700.00		1	LAPTOP	ASUS	9CN0AS258126512
	20	7	\$70.00		1	MONEY		

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Officer/ID# **DEEG, G. M. (WPTL, TM4P) (1495)** Outstanding Stolen Val [Total Stolen]: \$870.00 [\$870.00]

Invest ID# **YORK, R. D. (CENT, BURG) (1448)** Supervisor **RAY, S. H. (WPTL, TM4P) (1113)**

Status Complainant Signature Case Status Pending Inactive 10/17/2013 Case Disposition: Page 1

Incident Report Additional Name List

Charleston Police Department

OCA: 13-15128

Additional Name List

Page 2

NameCode/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) OT 2	HUGER, KELVIN MAURICE		04/22/1968	45	B	M
	Address 8621 Refuge Point Cir , North Charles, SC 29420-68					H: 843-367-0781
	Empl/Addr Attorney					B: 843-573-0143
						Mobile #:

Incident Report Related Property List

Charleston Police Department

OCA: 13-15128

1	Property Description MONEY			Make		Model		Caliber	
Color	Serial No.		Value \$100.00		Qty 100.000	Unit	Jurisdiction Locally		
Status Stolen	Date 09/20/2013	NIC #		State #		Local #		OAN	
Name (Last, First, Middle) Counts & Huger Llc,				DOB		Age	Race	Sex	

Notes

100 petty cash

2	Property Description LAPTOP			Make ASUS		Model		Caliber	
Color Black	Serial No. 9CN0AS258126512		Value \$700.00		Qty 1.000	Unit	Jurisdiction Locally		
Status Stolen	Date 09/20/2013	NIC # A861528285		State #		Local #		OAN	
Name (Last, First, Middle) Counts & Huger Llc,				DOB		Age	Race	Sex	

Notes

Model #: U50F-RBBAG05; SKU#: 9701922

3	Property Description MONEY			Make		Model		Caliber	
Color	Serial No.		Value \$70.00		Qty 1.000	Unit	Jurisdiction Locally		
Status Stolen	Date 09/20/2013	NIC #		State #		Local #		OAN	
Name (Last, First, Middle) Counts & Huger Llc,				DOB		Age	Race	Sex	

Notes

\$70.00 US Currency, unknown denomination

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Kathy O. Rushton, Special Referee

Case No. 2012-208166

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Fairy Bell Irving, Andrew Irving A/K/A/ Andrew Erving, Alfonzo Irving A/K/A/Alfonzo Erving, John D. Irving A/K/A John D. Erving, William T. Irving A/K/A William T. Erving, Robert Irving, Sr., A/K/A Robert Irving, Sr., Sally May Morgan, F/K/A Sallie May Irving, Minnie Lee Butler, F/K/A Minnie Lee Irving, Joyce Thelma Taylor, F/K/A Joyce Thelma Irving, Mary Irving A/K/A Mary Erving, Mamie Irving, A/K/A/ Mamie Erving, Jessie Ina Irving A/K/A Jessie Ina Erving, Julious Irving, A/K/A Julious Erving, Rashell Irving, A/K/A Rashell Erving, Fairy May Irving, Thelma Irving, Annell I Ray Julious Irving, Jr., Alfreda Irving, Thelma Cartlele, Bennie Warren Butler, And Persons Claiming Any Right, Title Estate, Interest In Or Lien Upon The Real Estate Described In The Complaint Herein, Any Unknown Adults Being A Class Designated As John Doe; And Any Unknown Minors Or Other Persons Under Legal Disability Being A Class Designated As Richard Roe, Defendants,

Of whom Joyce Thelma Irving is the Appellant

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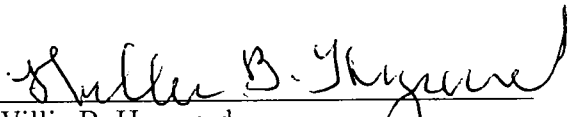
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SC Court of Appeals

I certify that I have served the Record On Appeal of Appellant and Motion To Reinstate on all counsel of record, by depositing copies of the same in the United States Mail postage prepaid, on November 1, 2013 addressed as follows:

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heirspropertylawcenter.org

October 31, 2013

Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

**RE: Appeal from Saluda County - Bobby Jo Clark vs. Fairy Bell Irving et al.
Appellant Case No: 2012-208166**

Dear Sir/Madam:

Enclosed please find the original and a copy of the Motion to Reinstate, Proof of Service, Record on Appeal, and \$25.00 filing fee in the above-referenced matter. Thank you for your consideration in this matter.

Willie B. Heyward
Attorney for Appellant, Joyce Thelma Irving

Encl: as stated

cc: Christian G. Spradley, Esq.
Moore, Taylor & Thomas, P.A.
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Attorney for Respondents

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