

107059

THE STATE OF SOUTH CAROLINA  
In the South Carolina Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Honorable Thomas W. McGee, III, Circuit Court Judge

Jennifer L Hamrick and James C. Hamrick , . . . . . Respondents

v.

Jack D. Curlee and AG First Farm Credit Bank . . . . . Defendants

Of which Jack D. Curlee is the. . . . . Appellant

C.A. NO: 23-CP-23-00052

Appellate Case NO: 2026-000093

Motion to Dismiss

{Rule 240 SCACR}

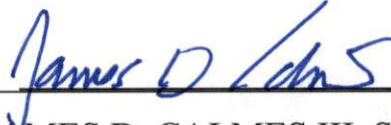
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JAN 22 2026  
SC Court of Appeals

Respondents hereby move to dismiss the Notice of Appeal of Appellant Jack D. Curlee upon the specific ground the Appellant failed to perfect his appeal in strict accordance with Rule 203 SCARC.

Rule 203 SCARC requires an Appellant must file and serve the Notice of Appeal upon all Respondents within thirty (30) days after receipt of written notice of entry of the Order or Judgment.

This Court lacks jurisdiction to consider the Appeal of the Appellant.

The undersigned respectfully requests dismissal of this Appeal.



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January 20, 2026

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Honorable Thomas W. McGee, III, Circuit Court Judge

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MEMORANDUM OF LAW

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Pursuant Rule 203 SCACR, Appellant is required to serve Notice of Appeal with thirty (30) days from receipt of the written entry of the order of the trial Court. Service of the Notice of Appeal is jurisdictional. If a party misses a deadline, the appellant court lacks jurisdiction to consider the appeal and has no authority to rescue a delinquent party by extending or ignoring the deadline for service of the Notice.

See Elam v. South Carolina Department of Transportation (S.C. 2004), 361 S.C. 9, 602 S.E.2d 772. See also Mears v. Mears (1985), 287 S.C. 168, 337 S.E. 206.

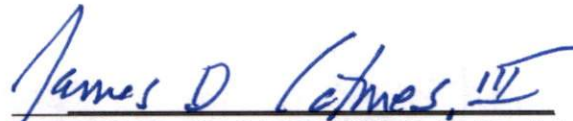
Appellant declares that he received the Order of the trial Court on December 10, 2025.

He electronically filed his Notice of Appeal on January 14, 2026. More than thirty (30) days elapsed from December 10, 2025 to January 14, 2026.

The Appellant states in his Notice of Appeal that his Motion to Reconsider was denied by Order filed on December 10, 2025.

The Notice of Appeal of Appellant was filed on January 14, 2026.

This Court lacks jurisdiction of this Appeal because the Notice of Appeal was filed and served more than 30 days from the Order of the Court filed on December 10 2025.



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STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS  
APPEAL FROM GREENVILLE COUNTY COURT OF COMMON PLEAS  
HONORABLE THOMAS W. MCGEE, III

C. A. NO. 2023-CP-23-00052

Jennifer L. Hamrick and James C. Hamrick.....Respondent

vs.

Jack D. Curlee and AG First Farm Credit Bank.....Appellant

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**Notice Of Appeal**

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Jack D. Curlee appeals the order of the Honorable Thomas W. McGee, III, dated November 18, 2025. Appellant received the order electronically on November 18, 2025. The Appellant’s Motion to Reconsider was denied by Order Filed December 10, 2025.



O.W. Bannister – Bar No: 506  
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*Attorney for Appellant – Jack D. Curlee*

January 14, 2026  
Other Counsel of Record:

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SC Court of Appeals

*Attorney for Respondent*

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*Attorney for Appellant – AG First Farm Credit Bank*

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In the South Carolina Court of Appeals

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Honorable Thomas W. McGee, III, Circuit Court Judge

Jennifer L Hamrick and James C. Hamrick . . . . . Respondents

v.

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Of which Jack D. Curlee is the . . . . . Appellant

C.A. NO: 23-CP-23-00052

Appellate Case NO: 2026-000093

Proof of Service

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SC Court of Appeals

I certify that I have served the Motion to Dismiss on Jack D. Curlee by personally delivering a copy of it to his attorney of record, O.W. Bannister, at his law office at 24 Cleveland Street, Suite 100, Greenville, South Carolina on January 20, 2026.

*James D. Calmes, III*

JAMES D. CALMES III, S.C. ID # 1089

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January 20, 2026

South Carolina Court of Appeals  
P O Box 11629  
Columbia, South Carolina 29211  
Attn: Catherine S. Harrison  
Chief Deputy Clerk

**RECEIVED**  
JAN 22 2026  
SC Court of Appeals

Re: Jennifer L. Hamrick v. Jack D. Curlee  
Appellate case no: 2026-000093

Dear Ms. Harrison:

Please find enclosed a Motion to Dismiss, Original Proof of Service, and Memorandum filed by the Respondent with reference to the above case description.

Find also enclosed my firm check payable to the Clerk of Court of Appeals for \$ 50.00 dollars, representing the Motion fee.

I also enclosed the appropriate number of copies for review and determination by more than one justice.

Finally, a copy of the Notice of Appeal filed by the appellant that reflects the grounds for dismissal is enclosed.

Respectfully yours,



**JAMES D. CALMES, III**

January 20, 2026

JDC/mdj

Enclosure: Motion to Dismiss  
Proof of Service  
Memorandum  
Motion Fee  
Notice of Appeal

Cc: O.W. Bannister, Esquire

CAmes  
P.O. Box 16135  
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29606

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SC Court of Appeals



SOUTH CAROLINA COURT OF APPEALS

P.O. Box 11629

Columbia, South CAROLINA

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Att: Catherine S. Harrison  
Chief Deputy Clerk