

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM ANDERSON COUNTY

Court of Common Pleas

The Honorable Robin B. Stilwell, Circuit Court Judge

Appellate Case No.: 2012-205726

76473

RECEIVED

NOV 22 2013

SC Court of Appeals

The Estate of Gordon Bridwell by Raymond Eddie Bridwell, Personal Representative,
.....Respondent

v.

Life and Hope Assembly of God, Mary Ellen Harris, and John Doe, Representing unknown
persons claiming to Life and Hope Assembly of God.....Appellants.

PETITION TO REINSTATE APPEAL AND RECALL THE REMITTUR

The undersigned attorney, on behalf of the Appellants, petitions this Court to reinstate Appellant's appeal for good cause shown pursuant to the South Carolina Rules of Appellate Procedure, Rule 231(a) and to recall the Remittur issued pursuant to SCACR 221(b).

As grounds for the reinstatement Appellant contends that the undersigned was retained to represent Appellant and prepared and sent the brief via U.S. Mail on September 30, 2013 as shown by the attached mail receipt. (See Exhibits A and B, attached hereto).

Because of the difficulties the Appellant has experienced over the course of this case, she has apparently lost trust in any and all legal representation and chose instead to write the Court instead of contacting the undersigned by phone. The undersigned counsel never received notice of the dismissal of this action and the first and only notice received by the undersigned that the Court failed to receive the brief was the Appellant's letter dated November 6, 2013 and received late on November 19, 2013.¹ The undersigned then had to locate the mail receipt to file this motion.

Accordingly, the undersigned, on behalf of Appellant, respectfully requests that this Court reinstate Appellant's appeal for good cause shown and to recall the remittur.



Candy Keen-Fuller (SC Bar No. 11392)

Upstate Law Group, LLC

200 East Main Street

Easley, South Carolina 29640

(864) 855-3114

(864) 855-3446 (Facsimile)

Candy@UpstateLawGroup.com

November 21, 2013

Attorney for Appellant

¹ The undersigned has no explanation for the delay in mailing/receipt of Ms. Harris' letter dated November 6, 2013

EXHIBIT A

THE STATE OF SOUTH CAROLINA

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AFFIDAVIT OF SUSAN G. LOCKWOOD

PERSONALLY APPEARED BEFORE ME, Susan G. Lockwood, who being first duly
sworn, deposes and states as follows:

- 1) I make this affidavit based upon my personal knowledge of the facts contained herein;
- 2) I am Ms. Kern-Fuller's legal assistant;
- 3) On September 30, 2013, I was present when Ms. Kern-Fuller and her husband departed
for the post office to mail the Appellant's brief in the above-referenced case to the Court
and opposing counsel;

- 4) After depositing the briefs in the U.S. Post Office, Ms. Kern-Fuller returned with the attached receipt;

Susan G. Lockwood
Susan G. Lockwood

SWORN TO BEFORE ME
This 21 day of November, 2013

Brian A. Davis
Notary Public for South Carolina
My Commission Expires: 3-5-2020

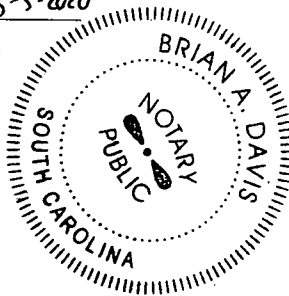


EXHIBIT B

=====

JAMES ISLAND BRANCH
579 FOLLY RD
JAMES ISLAND, SC 29412-3005

09/30/2013 09:11:13 PM

=====

Sales Receipt			
Product	Sale	Unit	Final
Description	Qty	Price	Price

COLUMBIA, SC 29211 \$1.72

Zone-2

First-Class Mail® Large Envelope

0 lb. 4.50 oz.

* Scheduled Delivery Day Thursday,
October 3.

Certified Mail™ \$3.10

Return Receipt (email) \$1.25

%% Label #:

9514 8000 0232 3273 0003 99

=====

Issue Postage: \$6.07

GREENVILLE, SC 29601 \$1.72

Zone-3

First-Class Mail® Large Envelope

0 lb. 4.50 oz.

* Scheduled Delivery Day Thursday,
October 3.

Certified Mail™ \$3.10

Return Receipt (email) \$1.25

%% Label #:

9514 8000 0232 3273 0004 05

=====

Issue Postage: \$6.07

Total: \$12.14

Paid by:

ANEX \$12.14

Account #: XXXXXXXXXXXX1014

Approval #: 515041

Transaction #: 345

23-901980235-99 4390642056

SSK Transaction #: 97

USPS® # 451481-9554

* IMPORTANT: For Return Receipt (by *
* email), wait at least one day, but *
* no more than 60 days, to make your *
* request; visit USPS.com; select *
* "Track & Confirm"; enter label *
* number(s); select "Request Return *
* Receipt (Electronic)"; enter your *
* name and email address. *

%% To check on the delivery status of
this article, visit our Track &
Confirm website at USPS.com, use this
self-service kiosk (or any
self-service kiosk at other Postal
locations) or call 1-800-222-1811.

Thanks.

It's a pleasure to serve you.

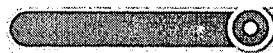
ALL SALES FINAL ON STAMPS AND POSTAGE.

USPS Tracking™



Customer Service
Have questions? We're here to help.

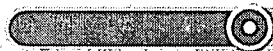
Tracking Number: 9514800002323273000399



ACCEPTED



Tracking Number: 9514800002323273000405



ACCEPTED



Track Another Package

What's your tracking (or receipt) number?

Track It

THE STATE OF SOUTH CAROLINA
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70473

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AFFIDAVIT OF MAILING

Personally appeared Bill McAbee who states that (s)he served the South Carolina Court of Appeals with a copy of the Petition to Reinstate Appeal and Recall The Remittur by mailing:

(Check one)

☒ First class mail

☒ Certified mail

☐ restricted delivery

☐ return receipt requested

in the United States Mail, with proper postage attached and receipt attached (if applicable);

☒ by commercial delivery service pursuant to Rule 4(d)(9), SCRCP and delivery
record attached;

on November 21, 2013 (date) addressed as follows:

South Carolina Court of Appeals

1015 Sumter Street

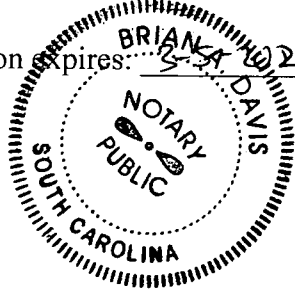
Columbia, SC 29201

Sworn to before me this

21 day of November, 2013

[Signature]
Notary Public of South Carolina

My Commission expires: 5-5-20



[Signature]
Affiant

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APPEAL FROM ANDERSON COUNTY
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v.

Life and Hope Assembly of God, Mary Ellen Harris, and John Doe, Representing unknown
persons claiming to Life and Hope Assembly of God.....Appellants.

AFFIDAVIT OF MAILING

Personally appeared Bill McAbee who states that (s)he served the Life and Hope
Assembly of God and Mary Ellen Harris. with a copy of the Petition to Reinstate Appeal and
Recall The Remittur by mailing:

(Check one)

☒ First class mail

☐ Certified mail

☐ restricted delivery

☐ return receipt requested

in the United States Mail, with proper postage attached and receipt attached (if applicable);

☐ by commercial delivery service pursuant to Rule 4(d)(9), SCRCPC and delivery
record attached;

on November 21, 2013 (date) addressed as follows:

Life and Hope Assembly of God and Mary Ellen Harris

PO Box 26431

Greenville, SC 29616

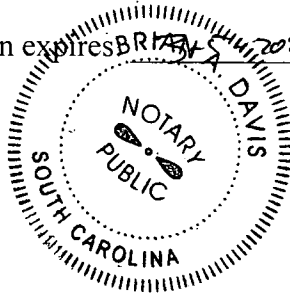
Sworn to before me this

21 day of November, 2013

[Signature]
Notary Public of South Carolina

Bill M. Albee
Affiant

My Commission expires May 5, 2020



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AFFIDAVIT OF MAILING

Personally appeared Bill McAbeewho states that (s)he served the opposing counsel,
George Eugene LaFaye IV. with a copy of the Petition to Reinstate Appeal and Recall The
Remittur by mailing:

(Check one)

☒ First class mail

☐ Certified mail

☐ restricted delivery

☐ return receipt requested

in the United States Mail, with proper postage attached and receipt attached (if applicable);

☐ by commercial delivery service pursuant to Rule 4(d)(9), SCRPC and delivery
record attached;

on November 21, 2013 (date) addressed as follows:

SCCA 406 (5/2013)

George Eugene LaFaye IV

201 Whitset St

Greenville, SC 29601

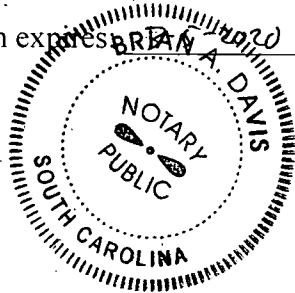
Sworn to before me this

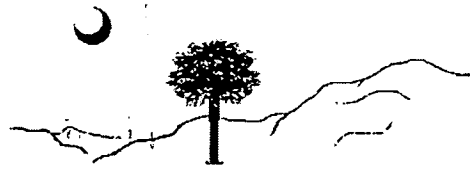
21 day of November, 2013

[Signature]
Notary Public of South Carolina

Bill McAfee
Affiant

My Commission expires BRAN A. DAVIS 12/20





UPSTATE LAW GROUP, LLC

200 EAST MAIN STREET
EASLEY, SOUTH CAROLINA 29640

www.UPSTATELAWGROUP.com
864.855.3114 (ph) • 864.855.3446 (fax)

Candace M. Kern-Fuller, Esq.
Managing Partner
Howard E. Suster, III, Esq.
Partner
Nicole L. Thornton, Esq.
Associate

November 21, 2013

The Honorable V. Claire Allen
Deputy Clerk of The South Carolina Court Of Appeals
PO Box 11629
Columbia, SC 29211

RECEIVED

NOV 22 2013

SC Court of Appeals

Re: Bridwell et al v. Life and Hope Assembly of God et al
Appeals Case No. 2012-205726

Dear Ms. Allen:

Enclosed please find the *Petition to Reinstate Appeal And Recall the Remittur* in the above named case.

If you have any questions please feel free to contact me.

With kindest personal regards, I am

Sincerely,

Bill McAbee

Encl

cc: George Eugene LaFaye IV