

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

70641

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

Case No. 2008-CP-23-3665

Capital Funding, LLC and Arthur M. Field, of whom Arthur M. Field is the Appellant
..... Appellant,

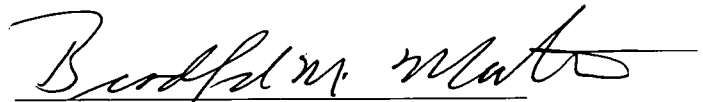
v.

William F. Tomz and Francis W. Tomz, individually and as class representatives
..... Respondents.

NOTICE OF APPEAL

Arthur M. Field appeals the Orders of The Honorable Edward W. Miller dated October 1, 2013, and November 7, 2013, granting Respondents' Order on a Rule to Show Cause, and denying Appellant's Motion to Alter or Amend the earlier order pursuant to Rule 59(e), SCRCF. Copies of both orders are enclosed with this Notice. The parties received notice of entry of these orders on October 3, 2013, and November 12, 2013.

December 9, 2013



Bradford N. Martin, Esq. (SC Bar No. 3658)
Laura W. H. Teer, Esq. (SC Bar No. 16698)
Brook Bristow, Esq. (SC Bar No. 76038)
BRADFORD NEAL MARTIN & ASSOCIATES, P.A.
Post Office Box 10410
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DEC 12 2013

SC Court of Appeals

Other counsel of record:

Stanley T. Case, Esq.
BUTLER, MEANS, EVINS & BROWNE, P.A.
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BANNISTER & WYATT, LLC
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Surfside Beach, SC 29587

FORM 4

STATE OF SOUTH CAROLINA
 COUNTY OF GREENVILLE
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2008CP2303665

William F Tomz

Frances W Tomz

Capital Funding Llc

FILED-CLERK OF COURT
 GREENVILLE
 PAUL B WICK
 10/1/2013

2013 OCT -1 P 4:31

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for: Plaintiff Defendant
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.
 Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

10/1/2013

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

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In The Court of Appeals

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Appellant,

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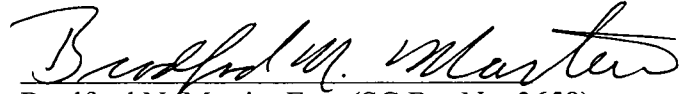
William F. Tomz and Francis W. Tomz, individually and as class representatives
Respondents.

PROOF OF SERVICE

I certify that I have served Appellant's Notice of Appeal by depositing a copy in the U.S. Mail, postage prepaid, on December 9, 2013, addressed to attorneys of record, Stanley T. Case, Esq., Butler, Means, Evins & Browne, P.A., P.O. Box 451, Spartanburg, SC 29304; Bruce W. Bannister, Esq., Bannister & Wyatt, LLC, P.O. Box 10007, Greenville, SC 29603; J. Emory Smith, Esq., Office Of The South Carolina Attorney General, P.O. Box 11549, Columbia, SC 29211; George Brandt, III, Esq., Henderson Brandt & Vieth, P.A., 360 E. Henry Street, Spartanburg, SC 29302; Curtis Warren Stodghill, Esq., Stodghill Law Firm, P.O. Box 2431,

Greenville, SC 29602; William H. Ehlies, Esq., William H. Ehlies, P.A., 310 Mills Avenue, Suite 201, Greenville, SC 29605; Alan Wilson, Esq., Office Of The South Carolina Attorney General, P.O. Box 11549, Columbia, SC 29211; Scott Pfeiffer, Esq., 935 S. Main Street, Suite 203, Greenville, SC 29601; and Gene Connell, Esq., Kelaher Connell & Connor PC, P.O. Drawer 14547, Surfside Beach, SC 29587.

December 9, 2013



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BRADFORD NEAL MARTIN & ASSOCIATES, PA

ATTORNEYS AT LAW

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Phone: (864) 552-9990
FAX: (864) 552-9992

December 9, 2013

The Honorable Paul B. Wickensimer
Greenville County Clerk of Court
305 East North Street
Greenville, South Carolina 29601

Re: *William F. Tomz v. Capital Funding, et al.*
C/A No. 2008-CP-23-3665

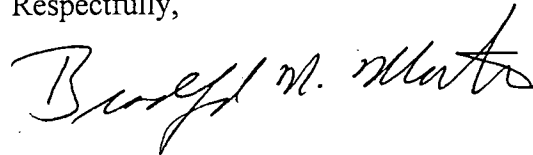
Dear Mr. Wickensimer:

Enclosed please find two copies of Defendant's Notice of Appeal in the above matter.

Please return a clocked copy to me in the enclosed envelope.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Respectfully,



Bradford N. Martin

/pm
Enclosures

cc: Bruce W. Bannister, Esq.
Stanley T. Case, Esq.
William Harry Ehliens, Esq.
Alan Wilson, Esq.
J. Emory Smith, Esq.
Curtis W. Stodghill, Esq.
George Brandt, Esq.
Gene Connell, Esq.
Scott Pfeiffer, Esq.

BRADFORD NEAL MARTIN & ASSOCIATES, PA

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Greenville, South Carolina 29601

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Phone: (864) 552-9990
FAX: (864) 552-9992

December 9, 2013

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: *William F. Tomz v. Capital Funding, et al*
C/A No.: 2008-CP-23-3665

Dear Ms. Kitchings:

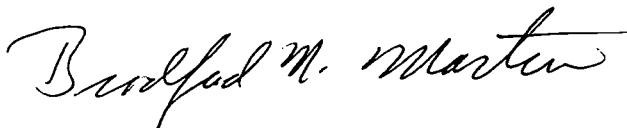
Enclosed for filing please find the original and one copy of Defendant's Notice of Appeal in the above matter along with the following:

1. Our firm's check in the amount of \$100.00;
2. Proof of Service;
3. Copy of Order of October 1, 2013;
4. Copy of Order of November 7, 2013;
5. Copies of letters to court reporter requesting transcript.

By copy of this letter, we are hereby serving all counsel with same.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Bradford N. Martin

/pm
Enclosures

cc: Bruce W. Bannister, Esq.
Stanley T. Case, Esq.
William Harry Ehliens, Esq.
Alan Wilson, Esq.
J. Emory Smith, Esq.
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