

FORM 4

**STATE OF SOUTH CAROLINA
COUNTY OF NEWBERRY
IN THE COURT OF COMMON PLEAS**

**JUDGMENT IN A CIVIL CASE
CASE NUMBER 2012CP3600484**

Discover Bank	Samantha P Hendrix
---------------	--------------------

PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> 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; Other: _____
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
- 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

Order Denying Defendant's Motion To Reconsider Grant of Summary Judgment

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.**

S/Frank R. Addy, Jr.
Circuit Court Judge

12/20/2013
Date

Judge Code
For Clerk of Court Office Use Only

This judgment was entered on **December 19, 2013**, and a copy mailed first class or placed in the appropriate attorney's box on **December 20, 2013**, to attorneys of record or to parties (when appearing pro se) as follows:

Timothy Lee Griffith 360 W Wesmark Blvd Second Floor
Sumter, SC 29150

Rolf Mouin Baghdady 118 Cobblestone Ct. Chapin, SC
29036-9705

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Jackie S. Bowers (jt)

Court Reporter

Jackie S Bowers - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

RECEIVED

FEB 03 2014

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
 COUNTY OF NEWBERRY)
)
 DISCOVER BANK,)
)
 Plaintiff,)
)
 vs.)
)
 HENDRIX, SAMANTHA P.,)
)
 Defendant.)

THE COURT OF COMMON PLEAS
EIGHTH JUDICIAL CIRCUIT

Civil Action No. 2012-CP-36-00484

ORDER DENYING DEFENDANT'S
MOTION TO RECONSIDER GRANT
OF SUMMARY JUDGMENT


FILED
 NEWBERRY COUNTY
 2013 DEC 19 AM 11 58
 JACKIE S. BOWERS
 CLERK OF COURT

THIS MATTER IS BEFORE THE COURT on Defendant's Motion to Reconsider Grant for Summary Judgment. Defendant's Motion is hereby denied, and the ruling granting summary judgment in favor of Discover Bank stands, as the court finds there is sufficient personal jurisdiction over Defendant.

The plaintiff has the burden to establish that the court has personal jurisdiction over the defendant. Jensen v. Doe, 292 S.C. 592, 358 S.E.2d 148 (Ct. App. 1987). The plaintiff need only show compliance with the rules. Roche v. Young Bros., Inc., of Florence, 318 S.C. 207, 456 S.E.2d 897 (1995). When the civil rules on service are followed, there is a presumption of proper service. Id. Rule 4, SCRCF serves at least two purposes. It confers personal jurisdiction on the court and assures the defendant of reasonable notice of the action. Id. Exacting compliance with the rules is not required to effect service of process. Rather, inquiry must be made as to whether the plaintiff has sufficiently complied with the rules such that the court has personal jurisdiction of the defendant and the defendant has notice of the proceedings. Id.

Applying the facts of this case to the above logic, this court finds there is personal jurisdiction over Defendant. Defendant claims in her affidavit she only resided for two weeks in 2011 at the address which service was made, yet she admits the allegations in her timely answer. The address of service was the address listed on the credit card application, with no other address given to the Plaintiff to reach Defendant. Further, pursuant to SCRCP Rule 4(d)(1), the summons and complaint were delivered to a person of suitable age and discretion, her father, at the residence she listed on her credit card application, and admittedly at one point resided in. This court finds the two prong test of Roche is satisfied: Plaintiff sufficiently complied with the rules such that the court has personal jurisdiction of the defendant and the defendant had notice of the proceedings. Defendant's motion to reconsider grant of summary judgment is denied.

IT IS SO ORDERED.



Frank R. Addy, Jr.
Circuit Court Judge
Eighth Judicial Circuit

December 13, 2013

FORM 4

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

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2012CP3600484

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FEB 03 2014

SC Court of Appeals

Discover Bank

Samantha P Hendrix

PLAINTIFF(S) DEFENDANT(S)
 Submitted by: Attorney for: Plaintiff Defendant
 Self-Represented Litigant

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 Affirmed; Reversed; Remanded; Other: _____

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

FILED
 NEWBERRY COUNTY
 2013 NOV 21 PM 3:16
 JACKIE S. BOGNER
 CLERK OF COURT

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

ORDER INFORMATION

It's motion for summary judgment is granted. There is no dispute the debt is ours.

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

INFORMATION FOR THE JUDGMENT INDEX

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Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
Discover Bank	Samantha Hendrix	16,604.14

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Rolf M. Baghdady, P.A.
Attorney and Counselor at Law
1325 Park Street, Suite 220
Columbia, South Carolina 29201
Telephone (803) 771-0013
Website: www.rolfbaghdady.com
E-mail: rolf@rolfbaghdady.com

February 3, 2014

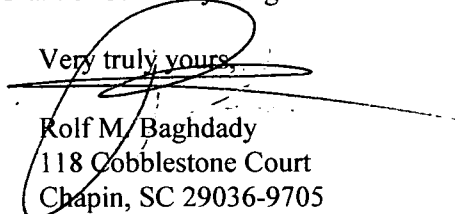
VIA HAND DELIVERY
The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29221

RE: Samantha Hendrix v. Discover Bank
Case No.: 2012CP3600484

Dear Ms. Kitchings:

Enclosed please find for filing the Proof of Service of, and the Order Granting Summary Judgment and the Order Denying Motion to Reconsider Grant of Summary Judgment¹.

Very truly yours,


Rolf M. Baghdady
118 Cobblestone Court
Chapin, SC 29036-9705
803-345-7653
Attorney for Appellant

cc: Timothy Lee Griffith
360 W Wesmark Blvd, Second Floor
Sumter, SC 29150
803-968-0609
Attorney for Respondent

Newberry Clerk of Court
The Honorable Jackie S. Bowers
1226 College Street
Newberry, SC 29108

RECEIVED

FEB 03 2014

SC Court of Appeals

¹ These orders were inadvertently omitted from the envelopes containing the Notice of Appeal, but were sent via fax the next day thereafter to the Court of Appeals, Attorney for the Respondent, and the Clerk of Court of Newberry County.

Office locations www.rolfbaghdady.com/Offices.html

Admitted to Practice in South Carolina, Georgia, Florida, and New York

Other Counsel of Record:
Timothy Lee Griffith
360 W Wesmark Blvd
Second Floor
Sumter, SC 29150
803-968-0609
Attorney for Respondent

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge

Case No. 2012CP3600484

Samantha Hendrix,

Appellant,

v.

Discover Bank

Respondent.

RECEIVED

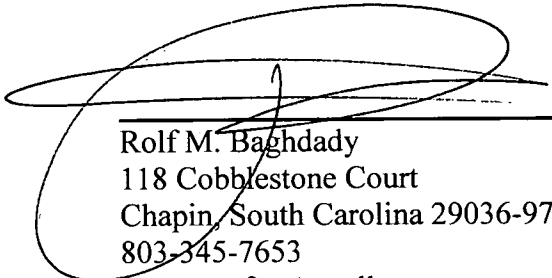
FEB 03 2014

SC Court of Appeals

PROOF OF SERVICE

I certify that I have served the two Orders¹ challenged on appeal, the Order Denying Defendant's Motion to Reconsider Grant of Summary Judgment and the Order Granting Motion for Summary Judgment, on Respondent Discover Bank by depositing a copy of it in the United States Mail, postage prepared, on February 3, 2014, addressed to its attorney of record, Timothy Lee Griffith, 360 W Wesmark Blvd, Second Floor, Sumter, SC 29150, as well as mailing a copy to the Newberry County Clerk of Court, The Honorable Jackie S. Bowers, 1226 College Street, Newberry, SC 29108.

February 3, 2014


Rolf M. Baghdady
118 Cobblestone Court
Chapin, South Carolina 29036-9705
803-345-7653
Attorney for Appellants

¹ These orders were inadvertently omitted from the envelopes containing the Notice of Appeal, but were sent via fax the next day thereafter to the Court of Appeals, Attorney for the Respondent, and the Clerk of Court of Newberry County.