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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

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FEB 06 2014

Charles B. Simmons, Jr., Master in Equity

SC Court of Appeals

Case No. 2013-CP-23-03075

Sherman Financial Group, LLC Appellant,

v.

FM FRI Greenville, LLC Respondent.

RESPONDENT'S MOTION TO DISMISS APPEAL

Cynthia Buck Brown, SCB 66172
Calvin T. Vick, Jr., SCB 68187
R. Patrick Smith, SCB 68270
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Attorneys for Respondent,
FM FRI Greenville, LLC

Pursuant to Rule 240, SCACR, FM FRI Greenville, LLC, Respondent/Landlord, hereby moves that the above-captioned appeal of Sherman Financial Group, LLC, the Appellant/Tenant, be dismissed for lack of jurisdiction. The Circuit Court's Orders of November 13, 2013 and December 23, 2013, which are the subject of this appeal, are interlocutory orders and are not subject to immediate appeal. The Respondent/Landlord respectfully requests that this Court dismiss this appeal and remand so that the Circuit Court can proceed with the proper administration of this lawsuit. The Respondent/Landlord relies on the authority cited in the accompanying Memorandum of Law filed in support of this motion.

Respectfully Submitted,



Cynthia Buck Brown, SCB 66172
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Attorneys for Respondent,
FM FRI Greenville, LLC

February 4, 2014
Greenville, South Carolina

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PROOF OF SERVICE

This is to certify that *Respondent FM FRI Greenville's Motion to Dismiss Appeal* and *Memorandum of Law in Support of Motion to Dismiss Appeal* with Exhibits 1-10 were served in the above-referenced case by placing copies of said document in the United States Mail on this the 4th day of February, 2014, addressed as follows:

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ATTORNEYS AT LAW

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February 4, 2014

Jenny Abbott Kitchings, Clerk
The South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

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SC Court of Appeals

Re: Sherman Financial v. FM FRI Greenville
Appellate Case No. 2014-000086

Dear Ms. Kitchings:

Enclosed for filing in the above-referenced matter please find an original and seven (7) copies of Respondent FM FRI Greenville, LLC's Motion to Dismiss Appeal, Memorandum of Law in Support of such Motion, and Exhibits 1-10, paginated per Rule 240(c), SCACR. In addition, please find an original and one copy of a Proof of Service, and a check for the motion filing fee in the amount of \$25.00. Please file same and return the clocked copy to me by way of the enclosed, self-addressed, stamped envelope. Should anything further be necessary from me in order to accomplish the filing of these documents, please do not hesitate to contact me at your convenience.

Sincerely,

HARPER, LAMBERT & BROWN, P.A.



R. Patrick Smith

RPS:bb

Enclosures

cc: Steven E. Farrar (w/enc.)
William B. Swent (w/enc.)
Jason D. Maertens (w/enc.)