

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[Date: 02/28/2014]

71414

APPEAL FROM Florence COUNTY
Court of Appeal

R. N. Langley, Magistrate Court Judge

Case No. 2013CV2110300293

Claude T. Prevost, III
Attorney For Defendant

Respondent,

Mack Hannah ,

vs.

Betty Daniels – Peterson ,

Appellant.

NOTICE OF APPEAL

Betty Daniels – Peterson appeals the order of [Summary Judgment] of the Honorable R.N. Langley dated February 24th, 2014. Appellant received oral notice from the bench of entry of this order [Summary judgment] on February 24, 2014.

February 24th, 2014

Paralegal Understudy : Betty Daniels - Peterson
Betty Daniels – Peterson
Post Office Box 586
Johnsonville, South Carolina 29555
(843) 373-5970
Appellant

Other Counsel of Record:
Christopher M. Adams, Esquire
Post Office Box 12487
Columbia, South Carolina 29201
Attorney for Respondent
(843) 256- 2660

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PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals
[Date: 02/28/2014]

APPEAL FROM Florence COUNTY
Court of Appeal

R. N. Langley, Magistrate Court Judge

Case No: 2013 CV2110300293

Claude T. Prevost, III, as
Attorney: for Defendant:
Mack Hannah d/b/a Prospect Respondent,
Fabrication,

v.

Betty Daniels – Peterson , Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Mack Hannah by depositing a copy of it in the United States Mail, postage prepaid, on February 28, 2014, addressed to his attorney of record, Claude T. Prevost, III, Esquire Post Office Box 12487, Columbia, South Carolina 29201 [by personally delivering a copy of it to his attorney of record, Claude T. Prevost, at her office at 1300 Lady Street, Columbia , South Carolina 29201, on February, 28th 2014].

February 28th, 2014

Paralegal Understudy: Betty Daniels-Peterson

Betty Daniels – Peterson

Post Office Box 586

Johnsonville, South Carolina 29555

(843) 373- 5970

Appellant

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STATE OF SOUTH CAROLINA)	IN THE MAGISTRATE'S COURT
)	
COUNTY OF FLORENCE)	
)	Civil Action No: 2013CV2110300293
Betty Daniels- Peterson d/b/a Betty's Career))	
College)	
)	
Plaintiff,)	Plaintiff
VS.)	Motion Notice of Appeal
)	
Mack Hannah d/b/a Prospect Fabrication)	
)	
Defendant,)	
)	

Court of Appeals Motion

Please Take Notice; that I plaintiff Betty Daniels here by appeals, the order granting Summary Judgment and Judgment filed on February 24th, 2014 on the same day that jury trial was to take place. Judgment was not served at least 10 days before the trial.

This motion is filed based on the facts of Summary Judgment laps in time. Pursuant to, SC Rules 6: Judgment should have been denied. When given a ruling to a Summary Judgment it must be one delivered to the plaintiff timely, it is stated that the if Summary motion is mailed or hand delivered it must be mailed in time for the plaintiff overview and proper responds, and objection.

SC. Rule 7 Rule permitting additional five days to respond when notice or paper is served by mail did not provide additional five days to file notice of intent to appeal did not begin to run until receipt to notice of order appealed form. Same rule applies to Summary Judgment.

Witzig v. Witzig (S.C. App. 1996) 325 S.C. 363,478 S.E.2d 297.

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I have a copy of the date summary motion mailed stamped envelope; which indicated it was mailed on the February 21, 2014; not received until Monday morning in postal service box February 24th, 2014. The motion was given to me in court 20 minutes before court.

SC Rule 6:3: Hearing a motion for Summary Judgment on day trail was scheduled to begin was, should be reverse due to the inefficient time. If the motion was filed and served 27 days before hearing, and in response to objections to timing of motion hearing, trail court granting and addition 10 days to submit brief and opposing affidavits. There should not have ruled on motion until full consideration of all material and time is given to opposing party, (i.e.) Plaintiff.

Loftis v. South Carolina Elec. and Gas Co (S.C. App. 2004) 361 s.c. 434, 604 S.E.2d 714

In addition defendant Attorney motion was granted based on claim not facts, only stating it was an act of God. There was no indication of a storm, tornado or twister in the area.

I have factual information to support my appeal. I am requesting that the appeal be granted and move to trail court before a jury.

The Summary Judgment was granted from the bench by the; Honorable R N Langley on February 24, 2014 at approximately 10:35am. At the present it has not been reduced form oral to written.

I am requesting this Summary Judgment be reversed, and reinstate case upon, your decision of this Appeal.

Respectfully submitted,

Paralegal Understudy: Betty Daniels: P.O. Box 586

Johnsonville, S.C. 29555: {phone: 843-373-5970}
(Fax: 843-380-0458)

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STATE OF SOUTH CAROLINA)	IN THE MAGISTRATE COURT
)	
COUNTY OF FLORENCE)	
)	Civil Action No: 2013CV2110300293
Betty Daniels-Peterson d/b/a Betty's Career College)	
)	
Plaintiff,)	Plaintiff
)	
VS.)	DE NOVO MOTION
)	
Mack Hannah d/b/a Prospect Fabrication)	
)	
Defendant,)	
)	

De Novo Motion for Hearing

Please Take Notice: I Betty Daniels- Peterson would like to request a De Novo hearing to take place in the Court of Appeals. I base my request on the facts below.

S.C. Rule 6: 4): A party should not have been denied the opportunity to submit affidavits, document or other testimony opposing a motion for Summary Judgment, and hearing of the motion should not have gone forward, where the notice and motion was mailed to the magistrate court on Friday, February 21st 2014; and hand to the clerk of court on the same day the trial was to take place. I the Plaintiff did not receive this to my box until the same day the trial was to take place, and still did not receive the Summary Judgment in hand until 20 minutes before court. (Rule 6, SCRPC.)

This motion is based on the laws of the State of South Carolina. Codes of Law of South Carolina, Annotated Court rule 2014 Edition West Law; copyright 2007, revised 2014

I will argue each point to the court of appeal that I presented to the trial Judge.

Paralegal Understudy: Betty Daniels-Peterson

P.O. Box 586/ Johnsonville, S.C. 29555 { 843-373-5970}

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