

Original

Richard J. Boudreau & Associates, LLC

Attorneys At Law

6 Manor Parkway
Salem, New Hampshire 03079
Telephone (603) 890-1644
Facsimile (603) 890-6790

Toll Free Number for All Offices 866-890-1644

Richard J. Boudreau
Admitted in MA
Adam Zlotnick
Admitted in MA, NH, OK & AR
Charlene M. Sandlin
Admitted in MA
Heather Q. Wallace
Admitted in CT & NY

Thomas B. Hodges, Jr.
Admitted in VA
Timothy L. Griffith
Admitted in SC
Shawanda Brown
Admitted in GA
Michael E. Coghlan
Admitted in MA, NH & RI
Laura L. Frechette
Admitted in MA & RI
Tara Kay Johnson
Admitted in NC
Katherine R. Parisi
Admitted in TX & NY

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

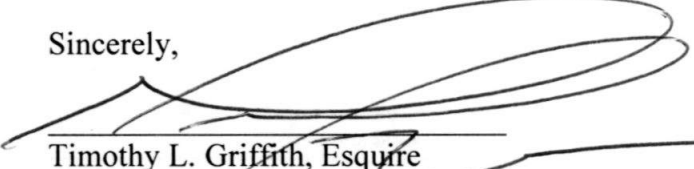
RE: Samantha Hendrix v. Discover Bank
Case No.: SC Court of Appeals# 2014-000142 Lower Court# 2012CP3600484

Dear Ms. Kitchings:

Enclosed for filing please find the original and one copy of RESPONDENT's Brief in REPLY to Initial Brief of Appellant, and the corresponding proof of service to Timothy Lee Griffith, Esq.

Please return a clocked copy in the enclose SASE.

Sincerely,



Timothy L. Griffith, Esquire
360 West Wesmark Blvd, 2nd Floor
Sumter, SC 29154
803 607-9386
Fax: 803 607-9575
Attorney for Respondent

cc: Rolf M. Bagdaddy
118 Cobblestone Court
Chapin, SC 29036
Attorney for Appellant

RECEIVED

MAR 27 2014

SC Court of Appeals

This correspondence is from a debt collector. This is an attempt to collect a debt, and any information obtained will be used for that purpose.

Important notices appear on the back of this letter. Please read them as they may affect your rights.

NOTICES

In California: The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.

In Colorado: A consumer has the right to request in writing that a debt collector or collection agency cease further communication with the consumer. A written request to cease communication will not prohibit the debt collector or collection agency from taking any other action authorized by law to collect the debt. FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE www.coloradoattorneygeneral.gov/ca

In Kansas: An investigative consumer report, which includes information as to your character, general reputation, personal characteristics, and mode of living, whichever are applicable, may be made or obtained. Within a reasonable period of time after your receipt of this letter, upon your written request for additional information regarding the scope and nature of our investigation, complete and accurate disclosure of the nature and scope of the investigation requested will be provided.

In Massachusetts: You have the right to make a written or oral request that telephone calls regarding your debt not be made to you at your place of employment. Any such oral request will be valid for only ten days unless you provide written confirmation of the request postmarked or delivered within seven days of such request. You may terminate this request by writing to the creditor.

In Minnesota: This collection agency is licensed by the Minnesota Department of Commerce.

In New York City: Dept of Consumer Affairs Lic No. 1259571 for 6 Manor Parkway, Salem NH 03079 and Dept of Consumer Affairs Lic No. 1260977 for 50 Tower Office Park, Woburn MA 01801. For info: www.nyc.gov/consumers or 42 Broadway, New York, NY 10004.

Richard J. Boudreau & Associates, LLC (RJBA) may monitor and record telephone calls for training, quality control and compliance purposes including calls originated by, or made to RJBA.

IF YOU ARE ENTITLED TO THE PROTECTIONS OF THE UNITED STATES BANKRUPTCY CODE (11 USC §§362; 524) REGARDING THE SUBJECT MATTER OF THIS COMMUNICATION, THE FOLLOWING APPLIES TO YOU: THIS COMMUNICATION IS NOT AN ATTEMPT TO COLLECT, ASSESS, OR RECOVER A CLAIM IN VIOLATION OF THE BANKRUPTCY STAY AND IS FOR INFORMATIONAL PURPOSES ONLY.

If you pay by a paper check, authorize electronic checks or payment(s) over the phone, you are authorizing us to convert it into an electronic debit, which may clear faster, without further notice to you. You may not receive your check in your statement. If your check or payment is returned or dishonored for any reason, we may redeposit it electronically.

FOR INQUIRIES OR COMPLAINTS, PLEASE CALL RJBA'S CONSUMER SERVICE MANAGER TOLL-FREE 1-866-997-2449, OR SEND AN EMAIL TO complaints@rjba.com

Office Locations:

6 Manor Parkway
Salem, NH 03079

50 Tower Office Park
Woburn, MA 01801

Business Hours:

8:00am-8:00pm Monday-Wednesday
8:00am-6:30pm Thursday
8:00am-5:00pm Friday

8:00am-8:00pm Monday-Wednesday
8:00am-6:30pm Thursday
8:00am-5:00pm Friday

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.: SC Court of Appeals# 2014-000142 Lower Court# 2012CP3600484

Samantha Hendrix, Appellant,

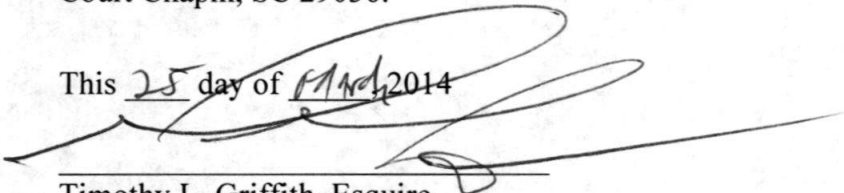
V.

DISCOVER BANK Respondent.

PROOF OF SERVICE

I certify that I have served Brief in Reply to Initial Brief of Appellant upon Appellant, Samantha Hendrix by depositing same in the United States Mail, postage prepaid on 25, day of MARCH, 2014, addressed to her attorney of record, Rolf M. Bagdaddy 118 Cobblestone Court Chapin, SC 29036.

This 25 day of MARCH, 2014


Timothy L. Griffith, Esquire
360 West Wesmark Blvd, 2nd Floor
Sumter, SC 29154
803 607-9386
Fax: 803 607-9575
Attorney for Respondent

Other attorney of record:
Rolf M. Bagdaddy
118 Cobblestone Court
Chapin, SC 29036
Attorney for Appellant

RECEIVED

MAR 27 2014

SC Court of Appeals

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.: SC Court of Appeals# 2014-000142 Lower Court# 2012CP3600484

Samantha Hendrix

Appellant,

v.

Discover Bank,

Respondent.

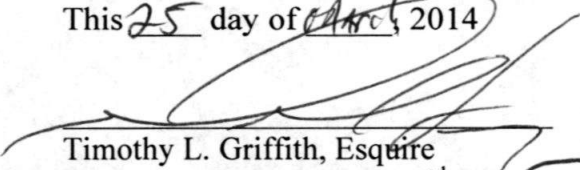
DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

Respondent proposes the following be included in the Record on Appeal as well as all items designated by Appellant:

1. Experian Credit Report screen print;
2. Answer of Appellant, Defendant
3. Order denying Request to Reconsider
4. Discover Bank system screen print

I certify that this designation contains no matter which is irrelevant to this appeal.

This 25 day of April, 2014


Timothy L. Griffith, Esquire
360 West Wesmark Blvd, 2nd Floor
Sumter, SC 29154
803 607-9386
Fax: 803 607-9575
Attorney for Respondent

RECEIVED

MAR 27 2014

SC Court of Appeals

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.: SC Court of Appeals# 2014-000142 Lower Court# 2012CP3600484

Samantha Hendrix,

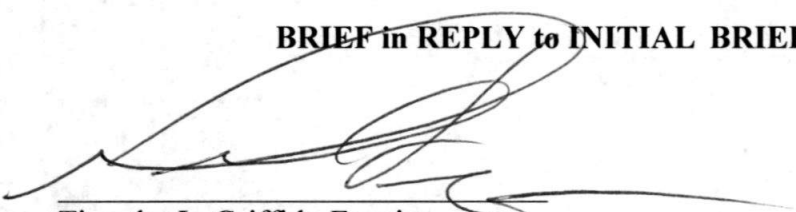
Appellant,

V.

Discover Bank

Respondent.

BRIEF in REPLY to INITIAL BRIEF OF APPELLANT



Timothy L. Griffith, Esquire
360 West Wesmark Blvd, 2nd Floor
Sumter, SC 29154
803 607-9386
Fax: 803 607-9575
Attorney for Respondent

RECEIVED

MAR 27 2014

SC Court of Appeals

TABLE OF CONTENTS

TABLE OF AUTHORITIES7

STATEMENT OF THE CASE..... 8

FACTS 8,9

ARGUMENT10

 A. Plaintiff Discover Bank followed the S.C. R. C. P. By serving process on defendant’s last known address, reported as the Defendant’s address by Defendant, and by Credit report inquiry, to a person over the age of 18 years, then living in the residence, and related to the defendant?10

 B. Defendant timely answered the Complaint, making an appearance, said appearance in timely answering the complaint, in accordance with Rule 4(d) of the S.C. R. C. P. as described on the Notes therein, such voluntary appearance is equivalent to personal service.....11

 C. The trial court did not err in granting summary judgment to Discover because defendant’s answer admitted all of the allegations as to the debt and no material issue of fact existed as to whether defendant owed Discover the amount of the judgment11, 12

CONCLUSION12

TABLE OF AUTHORITIES

CASES

Fassett v. Evans, 364 S.C. 42, 47, 610 S.E.2d 841,844 (S.C. Ct. App. 2005) 3, 4,

RULES

S.C. R. Civ. P. 4(d)(1)..... 3

S.C. R. Civ. P. 4(d) 3

S.C. R. Civ. P. 56(c)..... 7

STATEMENT OF THE CASE

On August 31, 2012, Plaintiff-Respondent, Discover Bank (Discover), filed an action against Defendant-Appellant, Samantha Hendrix (Hendrix), alleging breach of contract and seeking debt collection. On September 11, 2012, Discover served process at 503 S. Wheeler Ave., Prosperity, SC 29127. On October 11, 2012, Hendrix filed her answer in which she admitted all of the allegations of the complaint, but denying that she lived at the address 503 S. Wheeler Ave. with her parents. On July 31, 2013, Discover filed a motion for summary judgment that was granted by the trial court on November 21, 2013. On December 10, 2013, Hendrix filed a motion to reconsider the grant of summary judgment. On December 19, 2013, the trial court denied the motion to reconsider the grant of summary judgment. Hendrix filed a notice of appeal with the South Carolina Court of Appeals on January 14, 2014.

FACTS

In 2002, Hendrix accepted a credit card offered by Discover. Subsequently, Hendrix defaulted on payments to Discover on purchases or cash advances made on the card. At some point, Hendrix resided with her parents and reported same to creditors and the same was reported in Experian Credit services. In determining the address to be served;

1. Discover made calls to the number provided and spoke to persons who knew the defendants and stated that they would give her the message.
2. Discover checked the Experian database and confirmed her address according to Experian the credit reporting agency.
3. In preparing this Brief – Discover found that Experian STILL LISTS that address for Hendrix and the print from the screen is included.
4. Discover relied on information obtained at some point from the Defendant as to her address.

Discover filed a Summons & Complaint and it was served on her home to her father. Hendrix then made appearance in writing by timely answering the Summons & complaint admitting the allegations therein but denying that she lived at that address. Discover filed for summary judgment on the issues of the debt and summary judgment was granted. Hendrix moved for a reconsideration which was

denied. The finder of fact found that Hendrix timely answered and that no issues of material fact as to the debt existed and the judgment was granted. This Appeal ensued.

ARGUMENT

- A. Plaintiff Discover Bank followed the S.C. R. C. P. By serving process on defendant's last known address, reported as the Defendant's address by Defendant, and by Credit report inquiry, to a person over the age of 18 years, then living in the residence, and related to the defendant

S.C. R. Civ. P. 4(d)1

(d)(1) Individuals. Upon an individual other than a minor under the age of 14 years or an incompetent person, by delivering a copy of the summons and complaint to *[him personally or by leaving copies thereof at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein,]* or by delivering a copy to an agent authorized by appointment or by law to receive service of process.

In Fassett, Hugh Evans (Evans) sought to set aside a default judgment because he was served at his marital home while he and his wife were temporarily separated. *Id.* at 46, 610 S.E.2d at 843. The South Carolina Court of Appeals held that "[i]n the case of a married person, the usual place of abode is presumed to be with the family." *Id.* at 47,610 S.E.2d at 844. The Court found that Evans bore the burden of overcoming the presumption of proper service. *Id.* at 49, 610 S.E.2d at 845.

Because Evans could not prove that he established a usual place of abode elsewhere or had no intention to return to the marital home, then Evans was properly served, and the trial court had personal jurisdiction over Evans. *Id.*

Here, Discover served Hendrix at 503 S. Wheeler Ave., Hendrix reported residence and the residence of defendant's parents, Copies of the summons and complaint were left with Hendrix's father. [*Id.*] Hendrix had lived at the residence and reported to others that she received mail there and Experian credit agency also reported that this was her proper address, her last known address. According to Experian credit reporting agency, this is still reported as of 03/25/2014, as the address for Hendrix.

- B. Defendant timely answered the Complaint, making an appearance, said appearance in timely answering the complaint, in accordance with Rule 4(d) of the S.C. R. C. P. as described on the Notes therein, such voluntary appearance is equivalent to personal service.

S.C. R. Civ. P. 4(d)

(d) Summons: Personal Service. The summons and complaint must be served together. The plaintiff shall furnish the person making service with such copies as are necessary. Voluntary appearance by defendant is equivalent to personal service; and written notice of appearance by a party or his attorney shall be effective upon mailing, or may be served as provided in this rule. Service shall be made as follows:

Note:

This Rule 4(a) differs from the Federal Rule by continuing the present State practice of the plaintiff or his attorney issuing the summons, rather than having it issued by the Clerk of Court. The second sentence requires only copies of the original summons to be served with the complaint on each defendant. Rule 4(b) is substantially identical to the Federal Rule, being modified only to conform to State practice as set out in Rule 4(a). The first sentence of Rule 4(c) continues present State practice. The second sentence makes more definite the requirement of Code § 15-9-1030 that an official person must serve all other process such as rules and orders, except subpoenas. *[Rule 4(d) conforms to present State and Federal Practice, and states specifically, as does Code § 15-9-70, that voluntary appearance is equivalent to personal service. It also preserves Circuit Rule 17 as to notice of appearance.]*

Hendrix timely answered the complaint by filing with the Clerk of Court within the 30 days.

- C. The trial court did not err in granting summary judgment to Discover because defendant's answer admitted all of the allegations as to the debt and no material issue of fact existed as to whether defendant owed Discover the amount of the judgment

Defendant admitted the allegations of the debt in her answer as attached and included.

S.C. R. Civ. P. 56(c). To determine whether a genuine issue of material fact exists, a court must view "the evidence and all inferences which can be reasonably drawn ... in the light most favorable to the nonmoving party." *Lanham v. Blue Cross and Blue Shield of South Carolina*, 349 S.C. 356, 361-2, 563 S.E.2d 331, 333 (2002). A court should not grant summary judgment when the application of the law requires "further inquiry into the facts" or when the parties "[disagree] concerning the conclusion to be drawn from those

facts." Id. at 362, 563 S.E.2d at 333. "In cases applying the preponderance of the evidence burden of proof, the non-moving party is only required to submit a mere scintilla of evidence in order to withstand a motion for summary judgment." Hancock v. Mid-South Mgmt. Co., 381 S.C. 326, 330, 673 S.E.2d 801, 803 (2009). When reviewing a grant of summary judgment, an appellate court applies the same standard as the trial court. Lanham, at 361, 563 S.E.2d at 333.

Here, Discover moved for summary judgment as to the debt, and Hendrix objected to the court's jurisdiction over Hendrix alleging that Discover failed to properly serve Hendrix. [Motion for Summary Judgment; Motion to Reconsider Grant of Summary Judgment pp.1-2.]

Hendrix in her answer admitted all of the allegations as to the debt.

CONCLUSION

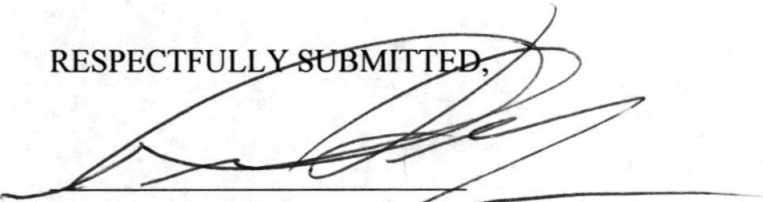
No genuine material issue of fact exists as to the debt according the Hendrix answer. Hendrix was properly served and had opportunity to answer the allegations when she properly and timely answered the complaint by filing her answer with the Clerk of Court within the 30 days.

The finder of fact is in the best position to determine summary judgment.

Therefore, the trial court properly granted summary judgment to Discover.

Wherefore, the Court of Appeals should allow the ruling of the finder of fact to stand.

RESPECTFULLY SUBMITTED,



Timothy L. Griffith, Esquire
360 West Wesmark Blvd, 2nd Floor
Sumter, SC 29154
803 607-9386
Fax: 803 607-9575
Attorney for Respondent

██████████
██████████
██████████

EXPERIAN-CREDIT-REPORT DATA FOR DTR# '2905238'

PAGE 1 DATE 6-12-2012 TIME 11:02:23 U301 TSC1

SAMANTHA P HENDRIX
503 S WHEELER AVE
PROSPERITY SC 291279348
RPTD: 11-11 TO 3-12 U 5X
LAST SUB: 1230206

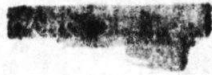
SS: [REDACTED]
AGE: [REDACTED]
SP: KEITH

E: MONTGOMERY ASSOCIATES
2306 HARRINGTON ST
RPTD: 4-04 I

E: NATIONSBANK
RPTD: 8-94 TO 3-96 M

*6058 LONG RD
PROSPERITY SC 291277349
RPTD: 1-11 TO 2-11 U
LAST SUB: 1229200

To Continue, Press <CR> (LN,Q,QQ,DEL,P,W,/)



APPEAL - BAGDADY CASE - Microsoft Word

File Home Insert Page Layout References Mailings Review View Acrobat

Arial 12 A A+ A- [font icons]

AaBbCcDc AaBbCcDc AaBbCc AaBbCc AaB AaBbCc AaBbCcDc AaBbCcDc AaBbCcDc AaB

Normal No Spac... Heading 1 Heading 2 Title Subtitle Subtle Em... Emphasis Intense E... Str

Navigation

★ RICHARD J BOUDREAU & ASSOC.LLC - Port 77

File Edit Commands Screen Help

CLNT: [REDACTED] SUMNER BANK [REDACTED] NO CLI RICHARD J. BOUDREAU & A

NAME: HENDRIX, SAMANTHA P PH# [REDACTED] PPL# [REDACTED]

SSN: 96-11-12 LST CHG: 08-31-10 LST PV: 12-28-09 PKT# [REDACTED]

ADDR: 503 S WHEELER AVE PROSPERITY SC 29127-9348 JMT# 2012CP3600484

(1) LAST ACTION DT (/A) 03-12-14 --OWING-- -RECEIVED-

(2) COLLECTOR ACTION (?) 17 ACN/AMT 16,389.14 0.00

(3) TIME TO WORK INT 0.00 0.00

(4) DATE WORK AGAIN 03-19-14 CANCELLED 0.00

(5) PROMISED PNT AMT 0.00 ATTORNEY 0.00

(6) NEXT STEP WORK [REDACTED]

(7) FOLLOWUP PRIO (1-10)

(8) PROMISED PNT DATE

(9) IMP NOTE LINES 136

COLLECTOR 100

DNUM: 2905238-301 *136 072

DRL: [REDACTED] 659 030

SSN: [REDACTED] 660 030

DOB: [REDACTED] 661 030

CDN: [REDACTED] 662 030

F I S C A L 663 030

CHD (/,:): MS 664 031

Miscellaneous Screens

Data	Option	Description
*	1	EXPERIAN CREDIT REPORT
	2	EXPERIAN COLLECTION REPOR
	3	Experian Credit Reports (OLD)
	4	BANKD REPORTS
	5	BANKD DECEASED
	6	ACCURINT PEOPLE BATCH
	7	EXPCA_1_TEST
	8	EXPCA_1_Q24_SCRUB
	9	ACCURINT PROG PHN DECROL
*	10	EXPCA_1_EXPCA_Q24_38

F1=Help (?) F2=File (F) F3=Ok (a) F4=Quit (Q) F5=Exit (I) F6=Yes (Y) F7=No (N) F8=Select (S)

2:30 PM 2301

Page: 1 of 2 Words: 874

[taskbar icons]

papers, including
ponses, motions
to adds the word

mitted to be
e attorney unless
or upon a party
wn address or, if
thin this rule
his clerk or other
ous place
g a copy at his
cretion then
papers

attorney. Copies

(b) Same: Form. The summons shall be signed by the plaintiff or his attorney, contain the name of the State and county, the name of the court, the file number of the action, and the names of the parties, be directed to the defendant, state the name and address of the plaintiff's attorney, if any, otherwise the plaintiff's address, and the time within which these rules require the defendant to appear and defend, and shall notify him that in case of his failure to do so judgment by default will be rendered against him for the relief demanded in the complaint.



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

2013 DEC 19 AM 11 58
ACKIE S. BOWERS
CLERK OF COURT

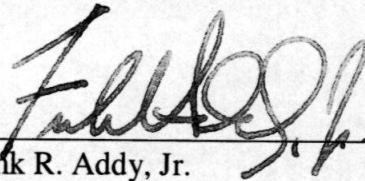
FILED
NEWBERRY COUNTY

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, SCRCP 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

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF NEWBERRY)	8 TH JUDICIAL CIRCUIT
)	
DISCOVER BANK,)	CASE # 2012-CP-36-00484
)	
PLAINTIFF,)	
vs.)	ANSWER TO COMPLAINT
)	
HENDRIX, SAMANTHA P,)	
)	
DEFENDANT.)	
)	

COMES NOW Defendant, Samantha P. Hendrix, by and through the undersigned attorney, and answers the complaint by Discover Bank as follows:

FOR A FIRST DEFENSE
ANSWER: DISMISSAL LACK OF PERSONAL JURISDICTION

JURISDICTION & VENUE

1. The Defendant, Samantha P. Hendrix, admits the allegations of paragraph 1.
2. The Defendant, Samantha P. Hendrix, denies the allegations of paragraph 2, because she no longer resides at the address listed in the complaint and moves that under 12(b)(2) that this case should be dismissed due to lack of personal jurisdiction.

FOR A SECOND DEFENSE
GENERAL ANSWERS

3. The Defendant, Samantha P. Hendrix, admits the allegations of paragraph 3.
4. The Defendant, Samantha P. Hendrix, admits the allegations of paragraph 4.
5. The Defendant, Samantha P. Hendrix, admits the allegations of paragraph 5.
6. The Defendant, Samantha P. Hendrix, admits the allegations of paragraph 6.
7. The Defendant, Samantha P. Hendrix, admits the allegations of paragraph 7.

8. The Defendant, Samantha P. Hendrix, admits the allegations of paragraph 8.

**AS TO THE FIRST CAUSE OF ACTION
BREACH OF CONTRACT**

9. The Defendant, Samantha P. Hendrix, realleges the allegations of paragraphs 1-8 of the answer as though fully set forth herein.

10. The Defendant, Samantha P. Hendrix, admits the allegations of paragraph 10.

11. The Defendant, Samantha P. Hendrix, admits the allegations of paragraph 11.

12. The Defendant, Samantha P. Hendrix, admits the allegations of paragraph 12.

**AS TO THE SECOND CAUSE OF ACTION
COLLECTION ON AN ACCOUNT**

13. The Defendant, Samantha P. Hendrix, realleges the allegations of paragraphs 1-12 of the answer as though fully set forth herein.

14. The Defendant, Samantha P. Hendrix, admits the allegations of paragraph 14.

15. The Defendant, Samantha P. Hendrix, admits the allegations of paragraph 15.

**AS TO THE THIRD CAUSE OF ACTION
UNJUST ENRICHMENT QUANTUM MERUIT**

16. The Defendant, Samantha P. Hendrix, realleges the allegations of paragraphs 1-15 of the answer as though fully set forth herein.

17. The Defendant, Samantha P. Hendrix, admits the allegations of paragraph 17.

18. The Defendant, Samantha P. Hendrix, admits the allegations of paragraph 18.

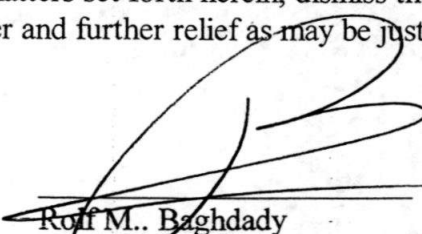
**FOR A THIRD DEFENSE
120 DAYS**

19. The Defendant, Samantha P. Hendrix, re-alleges the allegation of paragraphs of 1-18 of the answer as though fully set forth herein;

20. The Defendant, Samantha P. Hendrix, requests the hearing not be set until after 120 days from August 31, 2012.

WHEREFORE, having fully set forth its answer, the Defendant, Samantha P. Hendrix, prays that this Honorable Court inquire into the matters set forth herein, dismiss the complaint for lack of personal jurisdiction, and for such other and further relief as may be just and proper.

October 11, 2012



Rolf M.. Baghdady
118 Cobblestone Court
Chapin, SC 29036-9705
T 803-345-7653
F 803-345-0180
E rolf@rolfbaghdady.com
Attorney for the Defendant:
Samantha P. Hendrix

