

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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SC Court of Appeals

APPEAL FROM LEXINGTON COUNTY
FRANK R. ADDY, CIRCUIT COURT JUDGE
EDGAR W. DICKSON, CIRCUIT COURT JUDGE
Appellate Case No. 2014-000618

Adele J. Pope, Respondent,

v.

Gloria P. Corley and Samuel M. Corley, Individually and as Trustee of the M. L. Corley
Marital Trust, Defendants,

Of whom Gloria P. Corley is Appellant.

RESPONDENT'S REPLY TO APPELLANT'S RESPONSE TO MOTION TO DISMISS

In light of Appellant's response to Respondent's motion to dismiss this appeal, Respondent Adele J. Pope ("Respondent") files this reply asking that the Court issue its Order dismissing the appeal as soon as possible. The grounds of this motion are as follows:

1. This action was commenced on March 21, 2011. Respondent sought to enforce her contract with Appellant for the payment of attorneys' fees.
2. At the time of filing, the contract could have been enforced by simply continuing the annual payments which had been made since 1999. Without notice to the Court or Respondent, however, Appellant and Defendant Samuel M. Corley entered into an agreement whereby Appellant would waive her interest in the M.L. Corley Marital Trust in exchange for \$650,000.

Appellant discovered this transaction by chance in late 2012.

3. Since April 2012, when Appellant and Corley reached their secret agreement, Appellant has made every effort to slow the outcome of this matter. As a result of those efforts, Appellant's attorney-in-fact has been in possession of the \$650,000 for over 1 ½ years. Respondent has grave concerns about the security of those funds, and she will be asking the Circuit Court to secure them right away.

4. Because Appellant has already caused years of delay and the funds may be at risk, Respondent asks that the Court issue its Order dismissing this appeal as soon as possible.¹

Conclusion

For the reasons set out above, Respondent asks that this Court issue its Order dismissing this appeal in its entirety at its earliest convenience. This motion is based on the *South Carolina Appellate Court Rules*, the entire record herein, including the attached exhibits, and applicable statutory and case law.

Respectfully Submitted,



Adam T. Silvernail
Law Office of Adam T. Silvernail, LLC
1901 Hampton Street
Post Office Box 1898
Columbia, South Carolina 29202
Telephone: (803) 779-1770

April 28, 2014

Attorney for Respondent Adele J. Pope

¹ Because the appeal was untimely, the Circuit Court was not deprived of jurisdiction over this matter. *Elam v. S.C. Dep't of Transp.*, 361 S.C. 9, 14-15, 602 S.E.2d 772, 775 (2004). Respondent nonetheless asks that the Order of dismissal be issued as soon as possible to clarify the status of this matter in the lower Court.

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Of whom Gloria P. Corley is Appellant.

PROOF OF SERVICE

I certify that on the 13th day of May, 2014, I have served the Respondent's Reply to Appellant's Response to Motion to Dismiss on all parties by mailing a copy of same to them or their attorneys of record, by U.S. Mail, First-class postage prepaid, addressed as follows:

Desa Ballard, Esquire
Stephanie Weissenstein, Esquire
Ballard Watson Weissenstein
Post Office Box 6338
West Columbia, South Carolina 29171

Attorneys for Appellant Gloria P. Corley

Charlie M. Pender, Esquire
Craig Law Firm, PC
2001 Assembly Street, Suite 201
Columbia, South Carolina 29201

*Attorney for Defendant Samuel M. Corley, individually and as Trustee of
the M.L. Corley Marital Trust*



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May 13, 2014

**LAW OFFICE OF
ADAM T. SILVERNAIL, LLC**

POST OFFICE BOX 1898
1901 HAMPTON STREET
COLUMBIA, SOUTH CAROLINA 29202

May 13, 2014

By U.S. Mail:

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

Re: *Pope vs. Corley, et al*
Appellate Case No. 2014-000618

Dear Ms. Kitchings:

Enclosed please find an original and seven (7) copies of our Reply to Response to Motion to Dismiss. Please return a file-stamped copy of the Reply to me in the enclosed self-addressed, stamped envelope.

By copy of this letter, I am serving the Reply on opposing counsel and counsel for Defendant Samuel M. Corley, Individually and as Trustee of the M.L. Corley Marital Trust..

Thank you for your assistance with this matter.

Sincerely,



Adam T. Silvernail

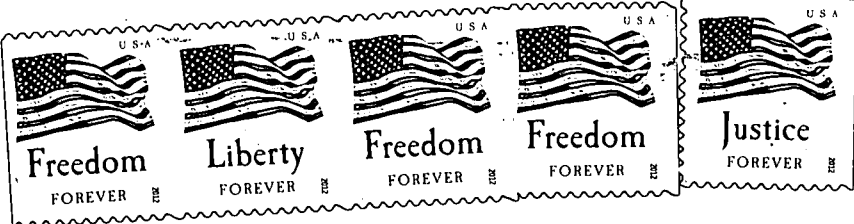
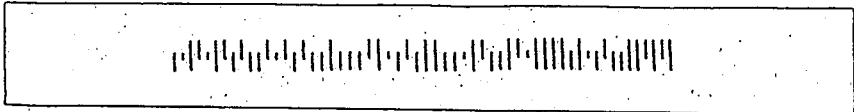
Enclosures

cc: Desa A. Ballard, Esquire
Adele J. Pope, Esquire
Charlie M. Pender, Esquire

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**LAW OFFICE OF
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The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
PO Box 11629
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