

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

72453

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
R. Lawton McIntosh, Circuit Court Judge

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Appeal Case No.: 2013-00-002056

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Glenda Renee Couram

Appellant

v

Mr. & Mrs. Christopher Hooker, Mr. & Mrs. Carl Riebold, Legal or Equitable Right, Title, state, Lien or interest in the Property Described in the Complaint Adverse to the Plaintiff's; Cox & Dinkins, Inc., Fair Builders/Developers, Inc., Donald "Don" Rawls & Steve Fair in their individual capacities, Carolina Water Svc., (CWS), Carolina Trace Utilities, Inc., & Utilities, Inc., Corporate Offices<sup>1</sup>

Respondents

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**APPELLANTS' MOTION TO REINSTATE  
FOR LACK OF SERVICE TO FAIR BUILDERS/DEVELOPERS**

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Glenda Couram  
104 Macaw Lane  
Lexington, South Carolina 29073  
(803) 896-7509  
*Pro se Appellant*

**RECEIVED**

JUN 11 2014

**SC Court of Appeals**

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<sup>1</sup> CWS and Utilities, Inc., matter was settled see order of Judge – CWS gave up all claims to use the 15 foot easements granted by common owner

Glenda Couram as *pro se* is appealing or filing this as a motion regarding the court's decision to remove Fair Builders/Developers from her Appeal for failure to serve a Notice of Appeal on the business. The Appellant would be severely prejudiced if the decision is not reversed. See letter dated June 2, 2014

For the reasons explained below, Appellant asks that this decision be changed and that that this Fair Builders/Developers be reinstated as being properly served as she has e-mails to the court, letters from the court, mailing, e-mails and transcriptionist e-mail informing them of the address.

### **ARGUMENT**

Appellant respectfully request that this court reinstated Fair Builders/Developers as Respondent in this Appeal because Fair Builders/Developers were properly served. The Only defendant that was not served as a Respondent in this matter was Carolina Water Services (CWS), Trace Utilities and Utilities, Inc. (See Footnote of the Initial Appeal)

Steven Fair was served in his individual and personal capacity and as the registered agent for Fair Builders/Developers and he responded to the initial Complaint on or about March 2011; he wrote the Caption as:

Glenda R. Couram, Plaintiff Vs. Steve Fair or Fair Builders, Defendant -- In

Answer to Civil Action No: 2011-CP-32-01010. The complaint and summons was clearly answered he stated:

*"I deny all allegations. I have already been to court all of these allegations, and the jury found in my favor. The case was heard in the oak grove magistrate in 2005. He dated the Answer on July 7, 2011. (See Attached).*

During this trial that took place in Oak Grove Magistrate court in 2004 Fair had an attorney, which goes to prove that he was not unaware of the necessity of an attorney as the Registered Agent for Fair Builders/Developers.

The trial court's findings of fact regarding validity of service of process are reviewed under an abuse of discretion standard. See *Clark v. Key*, 304 S.C. 497, 500, 405 S.E.2d 599, 601 (1991).

“Rule 4(d)(8), SCRCP, sets forth the requirements for effective service of process by certified mail in relevant part: “Service by Certified Mail. Service of a summons and complaint upon [an individual or corporate] defendant . may be made . by registered or certified mail, return receipt requested and delivery restricted to the addressee. Service is effective upon the date of delivery as shown on the return receipt. Service pursuant to this paragraph shall not be the basis for the entry of a default or a judgment by default unless the record contains a return receipt showing the acceptance by the defendant. Any such default or judgment by default shall be set aside pursuant to Rule 55(c) or Rule 60(b) if the defendant demonstrates to the court that the return receipt was signed by an unauthorized person.” See Rule 262.

Fair and Fair Builders/Developers were served the Notice of Appeal at both addresses the one filed with the SC Secretary of State Office 100 S Wrenwood, Lexington, SC 29073 and the address show on the website for Fair Builders, 153 Shirway, Lexington, SC 29073.

In either case of both addresses, the Appellant lives in the same neighborhood as Fair via both addresses (both within a mile of each other) she sees him on a regular bases the last incident was at 100 S Wrenwood, he was working in the yard and appeared to slip behind the large tree in that yard when Appellant drove past. This address was and is his family’s address see via Lexington County Police Department Report.

Service was sent back from 100 S Wrenwood which is the address listed with the SC Secretary of State – the documents sent back were always returned as “undeliverable.” The second address the documents were never returned but it is not the address listed with the SC Secretary of State for the registered agent. This service took place in 2011 well before the business was “dissolved” in 2012 according to the SC Secretary of State website. (See Footnote).

As the court has determined and noted, “[w]hen the civil rules on service are followed, there is a presumption of proper service.” *Roche v. Young Brothers, Inc.*, 318 S.C. 207, 211, 456 S.E.2d 897, 900 (1995). Once the plaintiff has demonstrated compliance with the rules, the defendant can rebut an inference that service was affected only by showing “that the return receipt was signed by an unauthorized person.” Rule 4(d)(8), SCRCP. See also Rule 262.

The SC Supreme Court in *Gary Mull, Respondent, v. Ridgeland Realty, LLC d/b/a Boat N RV Mega Store, Appellant*. No. 4663. Decided on March 29, 2010: “determined that the service to the New York Address in this case was proper under the statute. First, we believe the service fulfilled the intent of the statute. It is undisputed that Sgambettera received the summons and complaint and signed the return receipt on June 27, 2007. Moreover, Sgambettera sent Mull's attorney a letter acknowledging receipt. Thus, the principal object of service was achieved in this case because the service was sufficient to put Sgambettera-and, by extension, Ridgeland Realty-on notice of Mull's claim. See *Burris Chemical*, 251 S.C. at 487, 163 S.E.2d at 620 (“The principal object of service of process is to give notice to the defendant corporation of the proceedings against it.”).

The Court in *Ridgeland Realty* went on to say that Ridgeland Realty would have us define “the office of the registered agent” so narrowly that service on Sgambettera in this case would have only been proper if it were sent to the South Carolina Address and Sgambettera had

signed the return receipt. To interpret the statute as only allowing plaintiffs to serve process on registered agents at the address listed with the Secretary of State would lead to an absurd result where, as here, the registered agent neither lives nor works in South Carolina. Also see Honorage Nursing Home of Florence, SC, Inc., Appellant, v. Florence Convalescent Center, inc., Respondent. Honorage Nursing Home of Florence, South Carolina, Inc., Appellant, v. Genevieve Powell, Respondent. Nos. 2002-CP-21-120, 2002-CP-21-1058. Decided: November 14, 2005

See Richardson v. P.V., Inc.: 2009 ruling from the South Carolina Supreme Court.

See South Carolina Supreme court ruling in 26748 - Floree Hooper v. Ebenezer Senior Services and Rehabilitation Center "Under South Carolina law, corporations and limited liability companies must designate and continuously maintain an agent for service of process. See S.C. Code Ann. § 33-5-101 (2006) (corporations); id. § 33-44-108 (limited liability companies)."

This Court improperly removed Fair Builders/Developers from this action. Mr. Fair and Fair Builders/Developers were properly served and they were put on notice of this Appeal and kept informed of the process and date of the appeal while the transcript was being developed. Each Respondent was sent letters as the Appellant was.

It should not be the Appellant's responsibility to inform the court and Respondent that he by law is required to have an attorney and to not do he is considered by law as "practicing law without a license?"

Doesn't Fair as the Registered Agent have the responsibility to act in accordance with the laws of the land and the responsibilities of a registered agent by seeing to it his company was properly represented?

## RESPONSIBILITIES OF A REGISTERED AGENT IN SOUTH CAROLINA<sup>2</sup>

Under South Carolina rules a registered agent is an adult person or an organization registered or authorized to do business in South Carolina. The South Carolina Company must name a registered agent and furnish the address of its registered office on their initial state paperwork. A South Carolina registered agent must have a physical location in South Carolina and be present at that address during normal business hours. When a business is sued, typically a deputy or a process server will deliver the court papers to that company's South Carolina resident agent's address. Also, *sending the legal documents by certified mail to the South Carolina registered agent at the registered office address is legal proof that you have been served, whether you ever receive them or not.*

It is the requirement of a South Carolina registered agent to have someone available at the registered office address during normal business hours, for the purpose of receiving, accepting and forwarding to the business any process, notice or demand that is delivered to the registered agent.

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*This online database was last updated on*

*See our Disclaimer.*

<b>DOMESTIC / FOREIGN:</b>	<i>Domestic</i>
<b>STATUS:</b>	<i>Forfeiture</i>
<b>STATE OF INCORPORATION / ORGANIZATION:</b>	<i>SOUTH CAROLINA Profit</i>
<b>REGISTERED AGENT INFORMATION</b>	
<b>REGISTERED AGENT NAME:</b>	<i>STEVEN A FAIR</i>
<b>ADDRESS:</b>	<i>100 S WRENWOOD DR</i>
<b>CITY:</b>	<i>LEXINGTON</i>
<b>STATE:</b>	<i>SC</i>
<b>ZIP:</b>	<i>29073</i>
<b>SECOND ADDRESS:</b>	
<b>FILE DATE:</b>	<i>07/13/1994</i>
<b>EFFECTIVE DATE:</b>	<i>07/13/1994</i>
<b>DISSOLVED DATE:</b>	<i>07/24/2012</i>

*An agent has an obligation to forward the “legal documents” to the business. An agent’s name and address are publically available and are displayed on the Secretary of State’s Web site.<sup>3</sup>*

## **IN CONCLUSION**

Appellant ask that the Court do not penalize her for following the rules. I ask that the court reinstate Fair Builders/Developers as Respondents in this matter based on its own rulings as to service. By laws as the Registered Agent Fair had the sole responsibility to inform the Company and his attorney of this action and the fact that he did not should not be visited upon the Appellant. And, by law his dying service at the address with the SC State Office does not negate the fact that the business was served.

As the Court itself has ruled this is not a “game.” Fair and Fair Builders/Developers had from March 2011 to June 2014 to respond they choose not to. They had that same length of time to obtain an Attorney they choose not to. Mr. Fair knew he and his company needed an Attorney in Magistrate Court in 2004 for damage to my property; he must have known he needed one for Circuit Court.

As stated above, each letter was addressed to both addresses. The one registered with the Secretary of State was address as: Steven Fair, Registered Agent, Fair Builders/Developers 100 S Wrenwood Drive, Lexington, SC 29073 and Marked as follows when returned<sup>4</sup>

“Not Deliverable as Addressed – Unable to Forward UTF DB” (See Attached)

While it appears to be the law that Fair not represent his company, he was allowed to do so by the circuit court judge and through this process, he was aware that he was a business and

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<sup>3</sup> *Individuals that can be designated to be an agent include, but are not limited to, an organizer of a business, a member of an LLC, an employee of the business, an attorney, or an accountant. Registered Agent Statutory Requirement - South Carolina Code of Laws, Title 33, Chapter 5, Section 33-5-1019 A local South Carolina registered agent is required when forming a business in South Carolina.*

<sup>4</sup> (Eventhough the 153 address is no more than a mile from 100 S Wrenwood. Appellant has seen Mr. Fair at both this addresses as she pass both addresses daily)

needed an attorney as a business owner this is par for the course in doing business in any state, he should as the Appellant be required to adhere with the law which is his responsibility not the Appellant but for his and his company's actions there would be no law suit before this court and to allow this decision to stand would be a grave miscarriage of justice just as the trial was.

Respectfully submitted:



Glenda Couram  
104 Macaw Lane  
Lexington, South Carolina 29073  
(803) 896-7509  
*Pro se Appellant*

This 9<sup>th</sup> day of June 2014  
Lexington, SC 29073

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
R. Lawton McIntosh, Circuit Court Judge

Appeal Case No.: 2013-00-002056

Glenda Renee Couram,

Appellant

v

Mr. & Mrs. Christopher Hooker, Mr. & Mrs. Carl Riebold, Legal or Equitable Right, Title, state, Lien or interest in the Property Described in the Complaint Adverse to the Plaintiff's; Cox & Dinkins, Inc., Fair Builders/Developers, Inc., Donald "Don" Rawls & Steve Fair in their individual capacities, Carolina Water Svc., (CWS), Carolina Trace Utilities, Inc., & Utilities, Inc., Corporate Offices

Respondents

**CERTIFICATE OF SERVICE**

I certify that I the *pro se* Appellant personally deposited on this 9th, day of June 2014, the attached Motion to reinstate Steven Fair Registered and Fair Builders/Developers in the Initial Brief of Appellant and Designation of Matter via US Postal Service mail box to the attorneys and pro se listed below with adequate postage attached.

Steven A. Fair, *pro se*  
Registered Agent  
Fair Builders/Developers, Inc.  
100 S Wrenwood Dr  
Lexington, South Carolina 29073

R. Davis Howser, Esq.  
Howser, Newman & Besley, L.L.C.  
P.O. Box 12009  
Columbia, SC 29211-2009

Steven A. Fair, *pro se*  
Registered Agent  
Fair Builders/Developers, Inc.,  
153 Shirway Road  
Lexington, SC 29073

Law Offices of Smokey Brown, PC  
PO Box 1545  
Irmo, SC 29063

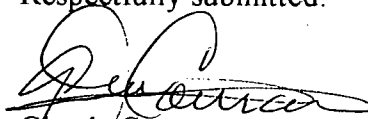
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**SC Court of Appeals**

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'Glenda Couram', with a long horizontal flourish extending to the right.

Glenda Couram

104 Macaw Lane

Lexington, South Carolina 29073

(803) 896-7509

*Pro se Appellant*

STATE OF SOUTH CAROLINA  
COUNTY OF LEXINGTON

Glenda R Coram

Plaintiff,

Vs.

STEVE FAIR OR FAIR BUILDERS

Defendant


) IN THE COURT OF COMMON  
) PLEAS THE 11<sup>TH</sup> JUDICIAL  
) CIRCUIT

) CIVIL ACTION NO:  
) 2011-CP-32-01010

) ANSWER

I deny all allegations. I have already been to court all of these allegations, and the jury found in my favor. The case was heard in the oak grove magistrate in 2005.

cc: Glenda r couram

  
July 7 2011

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SC Court of Appeals

Glenda R. Couram  
104 Macaw Lane  
Lexington, SC 29073



Steven Fair, Registered Agent  
Fair Builders/Developers



**NOT DELIVERABLE**  
**AS ADDRESSED,**  
**UNABLE TO FORWARD**

UTJF

22

June 9, 2014

**ATTN: ELIZABETH**

Jenny Abbott Kitchings  
Clerk of Court  
SC Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

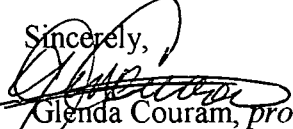
RE: Glenda Couram v Mr. & Mrs. Christopher Hooker, Mr. & Mrs. Carl Reibold, Cox & Dinkins, Inc., Fair Builders/Developers, Inc., Donald "Don" Rawls & Steve A. Fair in their official and individual capacities, et.al.  
Appeal Case No.: 2013-002056

Dear Ms. Kitchings:

Enclosed with this letter is the Motion to reinstate as filed in the Notice of Appeal and Initial Brief the above caption in response to your letter removing Fair Builders/Developers from this action due to failure to serve the Notice of Appeal. Mr. Fair is the Registered Agent for Fair Builders/Developers and he as well as his company was served via the address on the Secretary of State website and well as the address were he apparently reside. Fee enclosed \$25

The court will please note that this matter has been in the Lexington circuit court. Mr. Fair was served as well as Fair Builders at both addresses since that time. The appellant has the returned letters from 100 S Wrenwood, Lexington, SC so he as well as his company was properly serviced at all times.

Sincerely,

  
Glenda Couram, *pro se*  
104 Macaw Ln  
Lexington, SC 29073  
grcouram@hotmail.com  
803 896-7509

Filing fee \$25

/grc

c: Steven Fair, *pro se*  
(Fair Builders/Developers)  
R. Davis Howser, Esq.  
Law Office of Smokey Brown, PC

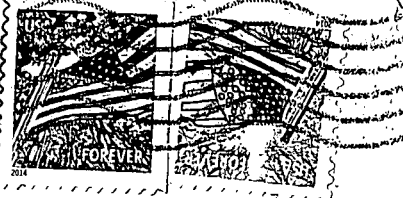
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JUN 11 2014

**SC Court of Appeals**

BLENN COURT  
104 MACAW LN  
LEXINGTON, SC 29073

10 JUN 2014



Jenny Abbott Kitchings  
Clerk of Court  
SC Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

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JUN 11 2014

**SC Court of Appeals**

**ATTN: ELIZABETH**

29211162929

