

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Joseph M. Strickland, Master-in-Equity for Richland County

Appellate Case No. 2014-001464

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SEP 02 2014

SC Court of Appeals

73397

Opportunity Investment Capital, Inc.,

Respondent,

v.

Ayodele Rivers,

Appellant.

MOTION TO BE RELIEVED AS COUNSEL FOR RESPONDENT

Magalie A. Arcure and the Finkel Law Firm LLC, (collectively, "Finkel Law Firm"), respectively move before the Court pursuant to Rule 1.16(b)(5), part of Rule 407, SCACR, for an Order relieving Finkel Law Firm as counsel for Respondent Opportunity Investment Capital, Inc. in the above referenced matter. The Rules of Professional Conduct of the South Carolina Appellate Court Rules provide, in pertinent part:

A lawyer may withdraw from representing a client if :... (5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services or payment therefor and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled...

See Rule 1.16(b)(5), of Rule 407 SCACR.

In support of its Motion, Finkel Law Firm states that Respondent is indebted to Finkel Law Firm for the legal services rendered in this matter. Finkel Law Firm has given reasonable warning to Respondent that it will withdraw as counsel unless Respondent's obligation to pay the

outstanding balance due in this matter is fulfilled. Respondent has failed to fulfill their obligation despite multiple written warnings to that effect. True and correct copies of such notices are attached hereto as Exhibit A.

Finkel Law Firm is therefore informed and believes that it is entitled to an Order immediately relieving Finkel Law Firm as counsel for Respondent.

Upon grant of this motion, all pleadings and correspondence in this matter should be directed to Respondent at the address below:

Opportunity Investment Capital, Inc.
c/o Billie Attaway
P.O. Box 302
Mount Pleasant, SC 29465

Wherefore, for the reasons set forth above, Magalie A. Arcure and the Finkel Law Firm LLC move this honorable Court for an Order:

- (1) Relieving Magalie A. Arcure and the Finkel Law Firm LLC as counsel for Respondent in this matter;
- (2) Notifying the parties that Respondent should be served at the address set forth above; and
- (3) For such other relief as is just and proper.

FINKEL
LAW FIRM LLC

HARRY L. GOLDBERG
CERT. MEDIATOR & ARBITRATOR



REPLY TO COLUMBIA OFFICE

November 13, 2013

Billie F. Attaway, Jr
Opportunity Investment Capital
P. O. Box 302
Mt. Pleasant, South Carolina 29465

Re: Ayodele Rivers
Our File No.: 70020-46006

Dear Mr. Attaway:

I again call your attention to your outstanding past due balance of \$10,249.62.

As I stated in my letter of October 30, 2013, I am willing to work with you, but there must be some payment made now.

Thank you for your cooperation.

Very truly yours,

A handwritten signature in black ink, appearing to read "Harry L. Goldberg". The signature is fluid and cursive, with a large loop at the end.

Harry L. Goldberg

HLG/js

cc: Magalie Arcure, Esquire

COLUMBIA
1201 Main Street, Suite 1800
Post Office Box 1799 (29202)
Columbia, SC 29201
Tel: (803) 765-2935
Fax: (803) 252-0786

CHARLESTON
Litigation, Real Estate & REO
4000 Faber Place Drive, Suite 450
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Tel: (843) 577-5460
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CHARLESTON
Foreclosure
4000 Faber Place Drive, Suite 450
Post Office Box 71727 (29415)
North Charleston, SC 29405
Tel: (843) 577-5460
Fax: (843) 725-0015

Magalie Arcure

From: Sean O'Connor
Sent: Monday, August 18, 2014 4:36 PM
To: Billie Attaway
Cc: Magalie Arcure
Subject: RE: Rivers eviction

Mr. Attaway:

Thank you for your response below.

Please be advised that the fees quoted in Magalie Arcure's email to you of July 31 are fair and reasonable. They not negotiable. If you want our firm to handle the appeal, you must agree to those terms. I will restate them for your reference:

Flat rate for eviction, if required: [REDACTED]
Flat rate for appeal with oral argument, if required by the court: [REDACTED]
Flat rate for appeal without oral argument: [REDACTED]

Accordingly:

Past due balance with eviction, appeal and oral appellate argument: [REDACTED]
Past due balance with no eviction, appeal and oral appellate argument: [REDACTED]
Past due balance with eviction and appeal, no appellate argument: [REDACTED]
Past due balance with no eviction, appeal and appellate argument: [REDACTED]

We are in agreement that Finkel Law Firm will prepare the mortgage and file it at no cost to you after you have executed it.

Please advise of your decision without delay. Time is of the essence.

If you choose not to abide by these terms and wish to instead have other counsel handle the appeal, the amount owed by you to Finkel Law Firm will be due and payable in full immediately.

Kind regards,

Sean O'Connor

Sean A. O'Connor
Attorney
Finkel Law Firm LLC
4000 Faber Place Drive, Suite 450
North Charleston, South Carolina 29405
Direct Dial 843.576.6304
Switchboard 843.577.5460

Magalie Arcure

From: Sean O'Connor
Sent: Monday, August 11, 2014 5:10 PM
To: Billie Attaway
Subject: RE: OIC vs Ayodele Rivers
Attachments: 10K0365-Comprehensive Billing Statements - 01 2013 - 08 2014.pdf

Mr. Attaway:

[REDACTED]

I reiterate, Finkel Law Firm will need for you to either commit to granting the Firm a mortgage on the subject property as you discussed with Magalie previously, covering the full past due balance owed to the Firm for legal fees and costs, or else you must pay the Firm in full the amount currently owed and we part ways and you retain different counsel to represent you in the appeal which remains pending.

It is imperative that suitable arrangements be made without delay, as work on the appeal will take time and the deadlines are looming.

Please let me hear from you regarding this at your earliest convenience.

Sean O'Connor

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Appellate Case No. 2014-001464

Opportunity Investment Capital, Inc.,

Respondent,


v.

Ayodele Rivers,

Appellant.

PROOF OF SERVICE

I certify that I have served the *Motion to Be Relieved as Counsel for Respondent* by depositing a copy of same in the United States Mail, postage prepaid, on August 29, 2014, addressed to Appellant's counsel of record, Leonard R. Jordan, Esquire, 4500 Fort Jackson Boulevard, Columbia, SC 29209 and to Respondent, Opportunity Investment Capital, Inc., c/o Billie Attaway, P.O. Box 302, Mount Pleasant, SC 29465.


Magalie A. Arcure (SC Bar #78855)
FINKEL LAW FIRM LLC
Post Office Box 41489
Charleston, South Carolina 29423
Telephone: (843) 577-5460
Facsimile: (843) 577-5135
marcure@finkellaw.com
Attorney for Respondent

August 29, 2014

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SC Court of Appeals



MAGALIE A. ARCURE
MARCURE@FINKELLLAW.COM

REPLY TO:
CHARLESTON LITIGATION

August 29, 2014

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

RE: Opportunity Investment Capital, Inc. v. Ayodele Rivers
Appellate Case No.: 2014-001464
Our File No.: 70020.46006

Dear Ms. Kitchings:

Enclosed for filing is a Motion to be Relieved as Counsel for Respondent in the above-referenced case, along with three copies, which we kindly ask you to file and return in the attached, self-addressed, stamped envelope. Enclosed also is check number 5707 in the amount of \$25.00 for the filing fee.

Should you have any questions concerning this matter, please do not hesitate to contact our office at your earliest convenience.

With kind personal regards, we are

Yours very truly,

FINKEL LAW FIRM

Magalie A. Arcure

CC: Leonard R. Jordan, Esquire
Billie Attaway

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