

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM COLLETON COUNTY
Court of Common Pleas

Benjamin C. P. Sapp, Special Referee

Debra Holmes and Joseph Holmes, as Personal
Representatives of the Estate of Leroy Holmes,

Respondents,

v.

Alex's Social Club, Benjamin Nathaniel Williams,
III, Johnny DeAngela Wilson, Jr., Kareen Jarvell
Smalls, and Obell Kireem Brisbane,

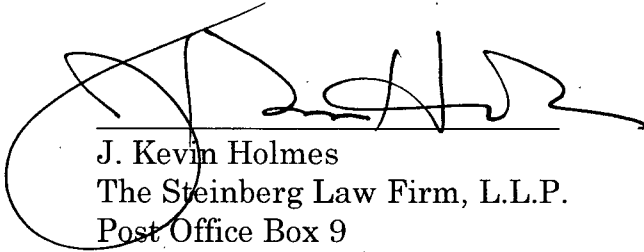
Of whom, Benjamin Nathaniel Williams, III, is the,

Appellant.

MOTION FOR LEAVE TO FILE MOTION FOR RELIEF FROM JUDGMENT

The Appellant, Benjamin Nathaniel Williams, III, by his undersigned attorney, hereby moves for leave to file a motion for Relief from Judgment under Rule 60(b), S.C.R.C.P., in the Circuit Court for the Fourteenth Judicial Circuit, Walterboro, South Carolina. This motion will be based upon the grounds the Appellant was never personally served with the pleadings but was served by publication although he had concealed himself to avoid service of process and only learned about the default hearing and the Order of Judgment from family members. The Appellant was not represented by counsel and did not know his rights to

challenge service of process, sufficiency of notice, and to set aside the default. The Appellant is informed and believes he may be entitled to relief from the Order of Judgment by reason of mistake, inadvertence, surprise, or excusable neglect. The Appellant filed a Notice of Appeal pro se and now, through counsel, files this motion for leave to file a motion for relief from the Order of Judgment during the pendency of the appeal.



J. Kevin Holmes
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Post Office Box 9
Charleston, South Carolina 29402
(843) 720-2800
Attorney for the Appellant

3 day of November, 2014.

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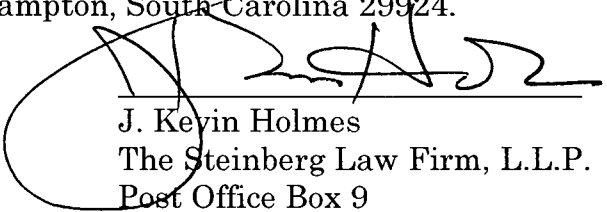
Alex's Social Club, Benjamin Nathaniel Williams,
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Of whom, Benjamin Nathaniel Williams, III, is the,

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PROOF OF SERVICE

I hereby certify that I have served a copy of Motion for Leave to File for Relief from Judgment on Debra Holmes and Joseph Holmes, as Personal Representatives of the Estate of Leroy Holmes by depositing a copy of it in the United States Mail, postage prepaid, on November 3, 2014, addressed to their attorney of record, Mark D. Ball, Post Office Box 457, Hampton, South Carolina 29924.



J. Keyin Holmes
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Post Office Box 9
Charleston, South Carolina 29402
(843) 720-2800
Attorney for the Appellant

3 day of November, 2014.