



The South Carolina Court of Appeals

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December 15, 2014

The Honorable Melanie Huggins-Ward
PO Box 677
Conway SC 29528-0677

REMITTITUR

Re: Becky West v. Luck Avenue Properties
Lower Court Case No. 2011CP2604800
Appellate Case No. 2013-002602

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

Enclosure

cc: Kevin Michael Hughes, Esquire
Christopher H. Pearce, Esquire
The Honorable Larry B. Hyman, Jr.

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

Becky Lynette West, Appellant,

v.

Luck Avenue Properties, Inc., a/k/a Luck Avenue
Properties, LLC, Respondent.

Appellate Case No. 2013-002602

Appeal From Horry County
Larry B. Hyman, Jr., Circuit Court Judge

Unpublished Opinion No. 2014-UP-415
Submitted October 1, 2014 – Filed November 26, 2014

REVERSED AND REMANDED

Kevin Michael Hughes, of North Myrtle Beach, for
Appellant.

Christopher H. Pearce, of The Pearce Law Group, P.C.,
of Myrtle Beach, for Respondent.

PER CURIAM: Becky Lynette West appeals the trial court's order denying her motion to restore this case to the trial docket pursuant to Rule 40(j), SCRCP. On appeal, West argues the trial court erred by finding the effective date of the order

striking the case was the date the order was signed, and not the date it was filed. We agree. *See Bowman v. Richland Mem'l Hosp.*, 335 S.C. 88, 92, 515 S.E.2d 259, 261 (Ct. App. 1999) (holding the effective date of a trial court order is the date the order is entered by the clerk of court, not the date the order is signed). We further find West's motion to restore the case was filed within a year of the order striking the case; thus, the statute of limitations on her claim is tolled until the case is restored. *See* Rule 40(j), SCRCF (providing "if the claim is restored upon motion made within [one] year of the date stricken, the statute of limitations shall be tolled . . . [until] the date that the claim is restored"). Accordingly, we reverse and remand to the trial court for a new order restoring this case to the trial docket.

REVERSED AND REMANDED.¹

WILLIAMS, GEATHERS, and McDONALD, JJ., concur.

¹ We decide this case without oral argument pursuant to Rule 215, SCACR.