

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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FEB 19 2015

APPEAL FROM YORK COUNTY
Court of Common Pleas

SC Court of Appeals

The Hon. Daniel D. Hall, Circuit Court Judge
S. Jackson Kimball, Special Circuit Court Judge

75107

Case No.: 2013-CP-46-00246

Morningstar Fellowship Church,

Appellant-Respondent,

v.

York County, South Carolina

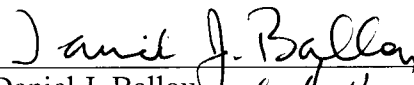
Respondent-Appellant.

NOTICE OF CROSS APPEAL

Respondent-Appellant York County hereby gives notice that it appeals the Order for Partial Summary Judgment entered in this matter on July 17, 2014, by the Honorable S. Jackson Kimball, Special Circuit Court Judge, County of York, and the Order on Motion to Alter or Amend (Rule 59(e), SCRCP) entered on September 29, 2014. Respondent-Appellant is filing contemporaneously herewith a Motion to Dismiss Interlocutory Appeal, and files this Notice of Cross Appeal out of an abundance of caution in the event that the Morningstar Appeal is not dismissed.

Respondent-Appellant received a copy of the Appellant-Respondent's Notice of Appeal on February 5, 2015.

February 13, 2015


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Other Counsel of Record:
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Attorneys for Appellant

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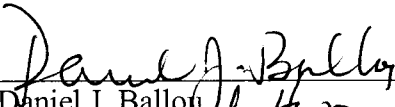
York County, South Carolina

Respondent-Appellant.

PROOF OF SERVICE

The undersigned certifies that he has served this Notice of Cross Appeal on the Appellant-Respondent by depositing a copy of it in the United States Mail, postage prepaid, on February __, 2015, addressed to its attorney of record, Richard B. Fennell, James, McElroy & Diehl, PA, 600 South College Street, Charlotte, North Carolina 28202.

February 13, 2015



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February 13, 2015

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
PO Box 11629
Columbia, SC 29211

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SC Court of Appeals

RE: Morningstar Fellowship Church vs. York County
C. A. No.: 2013-CP-46-00246
Appellate Case No.: 2015-000262

Dear Ms. Kitchings:

Enclosed for filing, please find a Notice of Cross-Appeal in connection with the above case on behalf of the Respondent-Appellant, York County. Also enclosed are the following:

- (1) Proof of service for the notice of cross-appeal.
- (2) A copy of the Orders which are to be challenged on appeal.
- (3) A filing fee of \$100.

I have also enclosed the original and seven (7) copies of Respondent-Appellant's Motion to Dismiss Appeal and Memorandum in Support of Motion to Dismiss. Please also file the originals and return the clocked copies to me. I have enclosed the filing fee of \$25.00. Please return clocked-in copies of each of the above-documents in the envelope provided.

By copy of this letter to the York County Clerk of Court and opposing counsel, I am filing a copy of the Notice of Cross Appeal with the Clerk and serving copies of the Notice of Appeal, Motion to Dismiss and Memorandum in Support of Motion upon counsel.

Thank you for your cooperation in this matter.

Sincerely,


L. Melia Sweatt
Paralegal

/lms
Enclosures

Hamilton Martens Ballou & Carroll, LLC

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cc: The Honorable David Hamilton
York County Clerk of Court
PO Box 649
York, SC 29745

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Charlotte, North Carolina 28202