



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

April 20, 2015

The Honorable Jeanette W. McBride
PO Box 2766
Columbia SC 29202-2766

REMITTITUR

Re: Thomas Free v. Natena Buff
Lower Court Case No. 2012CP4007842
Appellate Case No. 2013-002138

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,

A handwritten signature in black ink, appearing to read "Jenny A. Kitchings".

CLERK

Enclosure

cc: Frank Anthony Barton, Esquire
William H. Bowman, III, Esquire
H. Wayne Floyd, Esquire

Robert P. Wood, Esquire
The Honorable G. Thomas Cooper, 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**

Thomas Free, Appellant,

v.

Natena Buff, Respondent.

Appellate Case No. 2013-002138

Appeal From Richland County
G. Thomas Cooper, Jr., Circuit Court Judge

Unpublished Opinion No. 2015-UP-162
Heard March 12, 2015 – Filed March 25, 2015

AFFIRMED

H. Wayne Floyd, of Wayne Floyd Law Firm, and Frank
Anthony Barton, both of West Columbia, for Appellant.

William H. Bowman, III, and Robert P. Wood, both of
Rogers Townsend & Thomas, PC, of Columbia, for
Respondent.

PER CURIAM: Thomas Free appeals the trial court's dismissal of his civil action against Natena Buff based on his failure to make valid service on Buff prior to the expiration of the statute of limitations. We affirm pursuant to Rule 220(b),

SCACR, and the following authorities: S.C. Code Ann. § 15-9-370 (2005) (stating that service on the Director of the Department of Motor Vehicles for a nonresident driver includes certified mail and the proof of service must be filed with the court); S.C. Code Ann. § 15-9-380 (2005) (stating if certified mail is returned, then the notice and summons should be sent by open mail and the affidavit of service should be filed with the court); Rule 5(d), SCRCPP (stating that proof of service must be filed with the court within ten days of service and that failure to serve may be cause for dismissal of the action by the court); *Tiralango v. Balfry*, 335 S.C. 359, 361, 517 S.E.2d 430, 431 (1999) (stating statutory tolling provisions are meant to apply when a defendant's name and location are not known).

AFFIRMED.

FEW, C.J., and HUFF and WILLIAMS, JJ., concur.