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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

MAY 15 2015

APPEAL FROM YORK COUNTY

JOHN C. HAYES III, CIRCUIT COURT JUDGE

SC Court of Appeals

CASE NO. 2010-CP-46-02267

Marjorie Cato Burton as Trustee¹ of the Sloan
Marvin Burton and the Marjorie Cato Burton
AB Living Trust by and through David A. Burton
As Attorney in Fact, individually and in the
Right and on behalf of T. E. Cato Estate LLC,

Appellant.

Vs.

Carroll M. Pitts Jr., Esq. and Robinson, Bradshaw
& Hinson, P.A.,

Respondents.

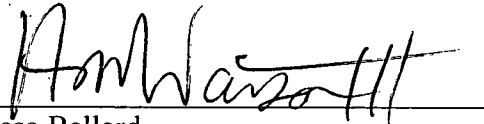
NOTICE OF APPEAL

Marjorie Cato Burton as Trustee of the Sloan Marvin Burton and Marjorie Cato Burton AB Living Trust, individually and in the right and on the behalf of T.E. Cato Estate LLC, appeals from the judgment of Circuit Judge John C. Hayes III dated April 3, 2015, and his order denying reconsideration dated April 28, 2015. The former order was received by counsel for the

¹ As reflected in both orders being appealed, as of the date of trial and continuing subsequently, David A. Burton has been appointed as successor trustee in place of Marjorie Cato Burton, even though the caption in the underlying matter was not updated to reflect the appointment of David A. Burton in that capacity. Accordingly, this notice maintains the caption as appears in the appealed orders, but Appellants are willing to make whatever changes are necessary in the caption as directed by the Clerk of Court for the Court of Appeals.

on April 9, 2015. The latter order, denying reconsideration, was received by counsel for Appellants or about on May 4, 2015.

Copies of both orders on appeal are attached hereto as required by Rule 203, SCACR. Appellant also appeals any interlocutory orders issued during the case and certain rulings at trial.



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ATTORNEY FOR APPELLANTS

May 14, 2015

Other counsel of record:

Samuel W. Outten
Nelson Mullins Riley & Scarborough, LLP
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Greenville, South Carolina 29603-0084
Attorney for Respondent
(864) 250-2299

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Appellant.

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& Hinson, P.A.,


Respondents.

PROOF OF SERVICE

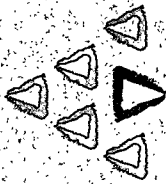
I, Beth Cogan, a paralegal with Ballard & Watson, Attorneys at Law, do hereby certify that on May 14, 2015, I served a copy of the **Notice of Appeal** in the above-captioned case on the following individuals by United States Mail, with sufficient first-class postage affixed, addressed as follows:

The Honorable David Hamilton
Clerk of Court York County
Post Office Box 649
York, South Carolina 29745

Samuel Outten, Esquire
Nelson Mullins Riley & Scarborough, LLP
Post Office Box 10084
Greenville, South Carolina 29603


Beth Cogan, Paralegal

May 14, 2015
West Columbia, South Carolina



Ballard & Watson
Attorneys at Law
PERSISTENT. UNWAVERING.

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May 14, 2015

Via U.S. Mail

The Honorable Jenny Abbot Kitchings
South Carolina Court of Appeals Clerk of Court
1205 Pendleton Street
Columbia, South Carolina 29201

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MAY 15 2015

SC Court of Appeals

Re: *Burton, et al. v. Pitts, et al.*
Case No.: 2010-CP-46-2267

Dear Ms. Kitchings:

Enclosed for filing with your office, please find the original and one (1) copy of the Notice of Appeal and Proof of Service for the above-referenced matter along with a check in the amount of \$100.00 representative of the filing fee. Please clock and return the clocked copy in the self-addressed, stamped envelope enclosed.

By copy of this letter and as evidenced by the Proof of Service, same has been served upon counsel for the Respondents. Thank you for your time in this matter. If you have any questions please do not hesitate to contact me.

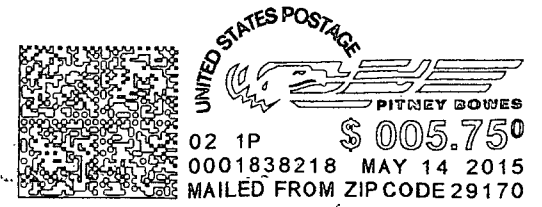
With warm personal regards, I am,

Sincerely yours,

Beth Cogan, Paralegal
beth@desaballard.com

cc: Via U.S. Mail

The Honorable David Hamilton
Samuel Outten, Esquire
Roger Jellenik, Esquire (via email)



	<i>Law Offices of Desa Ballard</i>
226 State Street West Columbia, SC 29169	
To:	
Honorable Jenny Abbott Kitchings South Carolina Court of Appeals 1220 Senate Street Columbia, South Carolina 29201	

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