

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

RECEIVED

The Honorable Mikell Scarborough, Master in Equity

JUL 23 2015

SC Court of Appeals

Case No. 2011-CP-10-95

Bayview Acres Civic Club

Respondent

v.

Gerald E. Moore, Jr. a/k/a Gerald Moore and
Margaret Bates Moore

Appellants

APPELLANTS' MOTION TO REINSTATE

Appellants would respectfully request that the instant matter be reinstated.

Appellants originally filed their notice of appeal on April 27, 2015. Subsequently, Appellants received correspondence from the Court stating that neither the filing fee nor the Order from which the appeal was taken had been included with the notice. The Court has now determined that, as neither has been properly filed, this appeal should be dismissed.

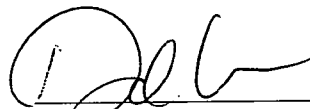
With all due respect, Counsel for Appellants included his check number 1214, in the amount of \$100, contemporaneously with the filing of the notice. As shown by his check register, that check was negotiated on April 29, 2015. A copy of counsel's check register, showing the negotiated document, is attached hereto. The check is written to the Court of Appeals, and the memorandum line shows that it was written to cover the filing fee for "Moore v. Bayview." It was written on the same date as the submission of the notice of appeal.

Appellants recognize that, through some error, the notice of appeal did not include a copy of the Order from which the appeal was taken. That issue was rectified by counsel on July 1, 2015, following a telephone conversation with a member of the office of the Clerk of Court. As is demonstrated by the attached correspondence, counsel mailed the necessary document to the Court on July 1, 2015.

There were no further responses to the April 30, 2015 correspondence received from the Court, as it was apparent to counsel for Appellants that all necessary requirements for the perfection of the appeal had been fulfilled. The filing fee was filed along with the notice of appeal. The original final Order, which was inadvertently omitted from the notice, was subsequently mailed to the Court after a discussion with the Clerk about that precise issue.

At this juncture, Appellants do not fully comprehend the bases for the dismissal of their appeal, and would respectfully request that it be reinstated. Appellants would further request that, upon reinstatement, the Court set a new briefing schedule in this matter.

Respectfully submitted,



David Athell Collins
P.O. Box 40578
Charleston, SC 29405-0578
(843) 760-0220
(843) 552-2678 facsimile
Davidacollins2@aol.com
Attorney for Appellants

7/21, 2015
Charleston, SC

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell Scarborough, Master In Equity

Case Number 2010-CP-10-95

RECEIVED
JUL 23 2015
SC Court of Appeals

Bayview Acres Civic Club

Respondent

vs.

Gerald E. Moore, Jr. a/k/a Gerald Moore and
Margaret Bates Moore

Appellant

PROOF OF SERVICE

I certify that I served Motion to Reinstate Appeal on Respondent's counsel by depositing a copy of it in the United States mail, postage prepaid, on July 22, 2015 and addressed as follows:

Benjamin A. Traywick, Esquire
875 Lowcountry Boulevard, Suite 204
Mt. Pleasant, SC 29464

July 22, 2015



David A. Collins, Esq.
Law Office of David Athell Collins, LLC
Post Office Box 40578
Charleston, SC 29423
(843) 760-0220
Attorney for Appellant

LAW OFFICE
OF
DAVID A. COLLINS, LLC

DAVID A. COLLINS
davidacollins2@aol.com

7455 CROSS COUNTY ROAD
PO BOX 40578
CHARLESTON, SOUTH CAROLINA
29423

(843) 760-0220 TEL
(843) 584-2678 FAX
RECEIVED

JUL 23 2015

SC Court of Appeals

July 21, 2015

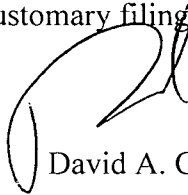
The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

Attention: Shelby

RE: Bayview Acres Civic Club v Gerald E. Moore, Jr, et. al , Case No. 2015-000920

Dear Shelby,

Enclosed herewith please find a Motion to Reinstate Appeal with attachments.
Please file the motion and return a filed copy in the envelope provided.
I have also enclosed the customary filing fee.



David A. Collins, Esq.

Cc: Benjamin Traywick, Esquire



RT 104 1 10:30 A
 FZ 105 8720 07.23

ORIGIN ID:CHSA

SHIP DATE: 22 JUL 15
 ACTWGT: 0.3 LB
 CAD: POS1601
 DIMS: 0x0x0 IN
 BILL SENDER

UNITED STATES US
 TO

SOUTH CAROLINA COURT OF APPEAL
 1015 SUMTER ST

COLUMBIA SC 29201

(888) 888-8888
 NO:
 PO:

REF:

DEPT:



Helping the environment.
 When you use envelopes that are part of our FedEx carbon-neutral envelope shipping program, you're helping support sustainable projects like wind farms and reforestation. Our investments in these projects help neutralize the carbon emitted when shipping, all at no extra cost.

TRK# 0200 8083 7183 8720

THU - 23 JUL 10:30A
 PRIORITY OVERNIGHT

FedEx NEW Package
 Express US Airbill

FedEx Tracking Number 8083 7183 8720

1 From
 Date 7/22/2015
 Sender's Name David Collins
 Phone 813 224-3725

Company
 Address 7155 Cross County Dr
 City North Charleston
 State SC ZIP 29418

2 Your Internal Billing Reference JUL 23 2015

3 To
 Recipient's Name SC Court of Appeals
 Company

Address 1015 Sumter St
 Dept./Floor/Suite/Room

Address
 City

fedex.com 1.800.GoFedEx 1.800.463.3339

Form ID No. 0200
 Recipient's Copy

4 Express Package Service
 NOTE: Service order has changed. Please select carefully.
 Packages up to 150 lbs. For packages over 150 lbs. use the new FedEx Express Freight US Airbill.

- Next Business Day
 Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- FedEx Priority Overnight
 Next business morning * Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- FedEx Standard Overnight
 Next business afternoon. * Saturday Delivery NOT available.
- FedEx First Overnight
 Earliest next business morning delivery to select locations. Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- FedEx 2Day A.M.
 Second business morning * Saturday Delivery NOT available.
- FedEx 2Day
 Second business afternoon * Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
- FedEx Express Saver
 Third business day * Saturday Delivery NOT available.

- 5 Packaging * Declared value limit \$500
- FedEx Envelope* FedEx Pak* FedEx Box FedEx Tube Other

- 6 Special Handling and Delivery Signature Options
- SATURDAY Delivery
 NOT available for FedEx Standard Overnight, FedEx 2Day A.M., or FedEx Express Saver.
- No Signature Required
 Package may be left without obtaining a signature for delivery.
- Direct Signature
 Someone at recipient's address may sign for delivery. Fee applies.
- Indirect Signature
 If no one is available at recipient's address, someone at a neighboring address may sign for delivery. For residential deliveries only. Fee applies.
- Does this shipment contain dangerous goods?
 One box must be checked.
- No Yes
 As per attached Shipper's Declaration.
- Yes
 Shipper's Declaration not required.
- Dry Ice
 Dry Ice, UN 1845

Part # 158297-433 R112 03/15

Insert shipping

1800-463-3339