

THE SOUTH CAROLINA COURT OF APPEALS

Capitalbank,

Respondent

v.

Garnet J. Borrer,

Appellant.

The Honorable Frank R. Addy, Jr.
Abbeville County
Case No: 2011205107

RETURN TO MOTION TO DISMISS

The Appellant above named, returning to the Respondent's Motion to Dismiss, hereby submits the following:

The Appellant filed her Initial Brief in accordance with this Court's previous Order. The Order appealed from did not name the court reporter for the hearing. Accordingly, counsel for the Appellant called the trial court and inquired as to the identity of the court reporter. Counsel ordered the transcript from the reporter he was informed was at said hearing. Counsel did not learn until later that said reporter was in fact not the reporter from that hearing. In the interim, counsel received this Court's order requiring the filing of the Initial Brief by July 16, 2012. Accordingly, counsel filed an Initial Brief in compliance with that Order. Counsel has now ordered the transcript upon learning the name of the correct court reporter.

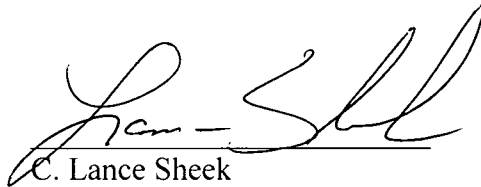
Counsel's staff apparently failed to place the Initial Brief in the mail as directed and the same was immediately mailed to Respondent's counsel upon learning of this oversight.

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SC Court of Appeals

None of these actions have been for the purpose of delay. Counsel asks this Court to allow the Appellant to proceed with her Appeal and have this matter heard upon the merits.

Respectfully Admitted,

GEOLY & SHEEK, LLC

A handwritten signature in black ink, appearing to read "C. Lance Sheek", written over a horizontal line.

C. Lance Sheek

Attorney for the Appellant
1225 S. Main Street
Greenwood, SC 29646
(864) 223-3352
(864) 223-3400 fax

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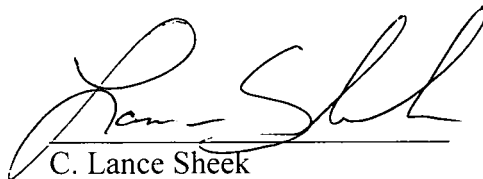
The Honorable Frank R. Addy, Jr.
Abbeville County
Trial Court Case No: 2008-CP-01-00201

PROOF OF SERVICE

The undersigned hereby certifies that on the 13th day of August, 2012, he served upon the Respondent a copy of the Appellant's Return to Motion to Dismiss by placing the same in the U.S. Mail, with the appropriate postage affixed thereto, addressed to the Respondent's attorney of record, Henry W. Brown, P.O. Drawer 2426, Columbia, SC, 29202.

Respectfully Admitted,

GEOLY & SHEEK, LLC



C. Lance Sheek
Attorney for the Appellant
1225 S. Main Street
Greenwood, SC 29646
(864) 223-3352
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Geoly & Sheek, LLC

Attorneys and Counselors at Law
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Stephen D. Geoly
C. Lance Sheek

(864) 223-3352
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August 13, 2012

South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

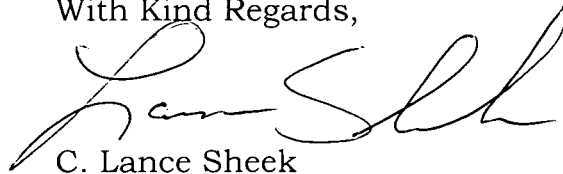
Re: *CapitalBank v. Garnet Borrer*
Case No: 2011205107

Dear Sir or Madam:

Enclosed for filing please find an original and six copies of a Return to Motion to Dismiss in the above referenced action.

Thank you for your attention to this matter. If you have any questions or comments, do not hesitate to call me.

With Kind Regards,



C. Lance Sheek

cc: Henry Brown

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AUG 15 2012

SC COURT OF APPEALS

GEOLY & SHEEK, LLC

1225 South Main Street
Greenwood, SC 29646

Attorneys at Law
Stephen D. Geoly
C. Lance Sheek

864-223-3352
864-223-3400 fax

August 13, 2012

Henry W. Brown
P.O. Drawer 2426
Columbia, SC 29202

RE: Capital Bank v Garnet Borrer
Case No: 2011205107

Dear Henry:

Enclosed for your records please find a copy of the Return to Motion to Dismiss and Proof of Service in the above referenced actions

If you have any questions please do not hesitate to call me at the numbers listed above.

Thank you for your attention in this matter.

With Kind Regards,



Kattina S. Davis
Paralegal

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SC Court of Appeals