

STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

SEP 30 2015

APPEAL FROM CHARLESTON COUNTY  
Master in Equity Court

SC Court of Appeals

Mikell R. Scarborough, Master-in-Equity

Case No. 2015-001607

Jigness Patel, Respondent,

v.

Dipak M. Patel, Navnit V. Dhana, as Personal Representatives of the Estate of Dahyabhai Jivanji Patel a/k/a D.J. Patel; Jayantilal Patel a/k/a Jay Patel a/k/a Jay D. Patel a/k/a J.D. Patel; International Trade Linkers, Inc.; Wells Fargo & Company; Wells Fargo Bank, N.A.; County of Charleston; John Doe and Jane Doe representing all other persons or corporations unknown claiming any right, title, estate, interest in or lien upon the real estate described in the Complaint, and Richard Roe representing any unknown infants or persons in military service designated as class, Defendants,

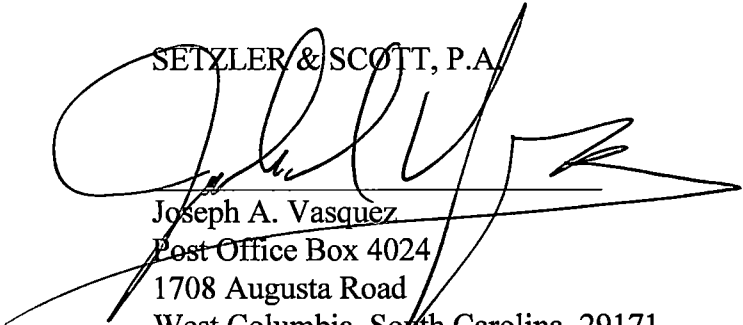
Of whom Jayantilal Patel a/k/a Jay Patel a/k/a Jay D. Patel a/k/a J.D. Patel, is the Appellant.

REPLY IN OPPOSITION TO APPELLANT'S PETITION TO REINSTATE APPEAL  
FROM ORDER OF SEPTEMBER 11, 2015

The Respondent, Jigness Patel, files this Reply in Opposition to Appellant's Petition to Reinstate Appeal from Order of September 11, 2015, which said Motion was filed with the Court of Appeals of South Carolina on September 25, 2015. This Reply is made and filed pursuant to Rule 240(f), SCACR.

September 30, 2015

SETZLER & SCOTT, P.A.

A large, stylized handwritten signature in black ink, written over the printed name and address of Joseph A. Vasquez.

Joseph A. Vasquez  
Post Office Box 4024  
1708 Augusta Road  
West Columbia, South Carolina 29171  
(803) 796-1285  
Attorney for Respondent

Other Counsel of Record:

William K. Swope  
Swope Law Firm, PA  
1525 Sam Rittenberg Blvd, #208  
Charleston, SC 29407  
(843) 852-4925  
Attorney for the Appellant

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Master in Equity Court

Mikell R. Scarborough, Master-in-Equity

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Case No. 2015-001607

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Jigness Patel, Respondent,

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Dipak M. Patel, Navnit V. Dhana, as Personal Representatives of the Estate of Dahyabhai Jivanji Patel a/k/a D.J. Patel; Jayantilal Patel a/k/a Jay Patel a/k/a Jay D. Patel a/k/a J.D. Patel; International Trade Linkers, Inc.; Wells Fargo & Company; Wells Fargo Bank, N.A.; County of Charleston; John Doe and Jane Doe representing all other persons or corporations unknown claiming any right, title, estate, interest in or lien upon the real estate described in the Complaint, and Richard Roe representing any unknown infants or persons in military service designated as class, Defendants,

Of whom Jayantilal Patel a/k/a Jay Patel a/k/a Jay D. Patel a/k/a J.D. Patel, is the Appellant.

---

MEMORANDUM IN SUPPORT OF REPLY IN OPPOSITION TO APPELLANT'S  
PETITION TO REINSTATE APPEAL FROM ORDER OF SEPTEMBER 11, 2015

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## STATEMENT OF FACTS.

On June 12, 2015, the Honorable Mikell Scarborough, Master in Equity for Charleston County, issued an Order Denying the Appellant's SCRCR Rule 59(e) Motion for Reconsideration ("Order").<sup>1</sup> This Order was served on respective counsel by the Clerk of Court for Charleston County, and received by respective counsel on or about June 16, 2015. The Appellant filed his Notice of Appeal with this Court on or about July 24, 2015, and served the same on opposing counsel on the same date. See Certificate of Mailing, July 24, 2015. Accompanying the Appellant's Notice of Appeal was a pleading entitled "Certification of Date of Orders Being Appealed Was Received By Counsel for Appellant" ("Certification"). The Certification states in part:

I do further certify as officer of the Court that **my office received the signed and filed Order** denying Plaintiff's Motion to Reconsider dated June 12, 2015 **on or about June 16, 2015**. I left for vacation at 6:00 AM on June 16, 2015 and **did not review the Order until June 24, 2015** when I returned after 2:00 AM that morning.

See Certification of Date of Orders Being Appealed Was Received By Counsel for Appellant, July 24, 2015 (emphasis added).

On August 25, 2015, the Respondent filed and served a Motion to Dismiss Appeal of Jayantilal Patel a/k/a Jay Patel a/k/a Jay D. Patel a/k/a J.D. Patel and a supporting Memorandum. The basis of the Motion was that the Appeal was not timely filed based upon the Appellant's own admission as to when he received the Order from Judge Scarborough. The Respondent's Motion was granted by this Court on September 11, 2015.

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<sup>1</sup> Judge Scarborough's Order was issued on a Form 4, and briefly set forth his reasoning as to the denial of the Appellant's Motion for Reconsideration. This was the final Order and there was no other order forthcoming from Judge Scarborough.

On September 25, 2015, the Appellant filed a Petition to Reinstate Appeal from Order of September 11, 2015 (“Petition”), and states that such reinstatement should be made for good cause shown. In his Petition, the Appellant asserts that the Order was filed on June 12, 2015, and “apparently received” in his counsel’s office on or about June 16, 2015, but approximately five (5) hours after he had left the State for vacation. He further states that he was under a properly filed Order of Protection from June 15, 2015 to June 24, 2015. Appellant’s counsel returned to his office on June 24, 2015 and, while still under the Order of Protection, “actually received” the Order from Judge Scarborough. He then filed his Notice of Appeal on July 24, 2015, which was thirty days after he had “actually received” the Order from Judge Scarborough. Thus, according to the Appellant’s argument, his time to file the Appeal did not start until June 24, 2015, and his Appeal was timely when filed on July 24, 2015.

It appears that the Appellant now wishes to change his argument from when he received the Order as set forth in his previously filed Certification to an argument based upon the difference between when he “apparently received” the Order to when he “actually received” the Order and cites USAA Property and Casualty Insurance Company v. Clegg, 377 S.C. 643, 661 S.E.2d 791 (2008), as supporting this premise. Based upon the Appellant’s own admission as to when he received the Order, in both his Certification and his Petition, the Respondent, again, argues that the Notice of Appeal was not timely filed. As such this Court should affirm its Order of September 11, 2015, and deny the Appellant’s Petition.

**RULES 203 and 263, SCACR.**

With respect to appeals from the Masters in Equity in this state Rule 203(4) of the South Carolina Appellate Court Rules states:

The notice of appeal from an order or judgment issued by a master or special referee shall be served in the same manner as provided by Rule 203(b)(1).

Rule 203(b)(1) of the South Carolina Appellate Court Rules states

A notice of appeal shall be served on all respondents **within thirty (30) days after receipt of written notice of entry of the order or judgment order or judgment. When a timely motion for judgment n.o.v. (Rule 50, SCRCPP), motion to alter or amend the judgment (Rules 52 and 59, SCRCPP), or a motion for new trial (Rule 59, SCRCPP) has been made, the time for appeal for all parties shall be stayed and shall run from receipt of written notice of entry of the order granting or denying such motion.** When a form or other short order of judgment indicates that a more full and complete order is to follow, a party need not appeal until receipt of written notice of entry of the more complete order or judgment.

(emphasis added).

In computing the time to file the Notice of Appeal, Rule 263(a) of the South Carolina Appellate Court Rules states in part:

In computing any time period prescribed by these rule, by order of the court, or by any applicable statute, the day the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period is to be included, unless it is a Saturday, Sunday or a state or federal holiday in which event the period runs until the next day which is neither a Saturday, Sunday nor such holiday. . . .

Further, Rule 263(b) states:

The time prescribed by these Rules for performing any act **except for serving the notice of appeal under Rules 203 and 243** may be extended or shortened by the appellate court, or by any judge or justice thereof. The time prescribed by these Rules for performing any act or taking any action may not be extended by agreement of the parties.

(emphasis added).

**USAA PROPERTY AND CASUALTY INSURANCE COMPANY V. CLEGG,**  
**377 S.C. 643, 661 S.E.2d 791 (2008).**

In support of his argument, the Appellant cites USAA Property and Casualty Insurance Company v. Clegg, 377 S.C. 643, 661 S.E.2d 791 (2008). While the main thrust of the case involved the South Carolina Supreme Court's reversal of the South Carolina Court of Appeals decision holding USAA had a duty to defend in the case in the lower court, the Court initially addressed a jurisdictional issue revolving around whether USAA timely filed a motion for reconsideration pursuant to SCRPC Rule 59(e) in the lower court to even reach the appellate stage.

In the lower court, the injured party filed a partial motion for summary judgment against USAA arguing that had a duty to defend in the action. The lower court issued an order on April 8, 2005, granting partial summary judgment in favor of the injured party. However, the attorney from USAA did not receive notice of the entry of the order until May 16, 2005. Based upon when counsel received notice of the entry of the order, she filed a motion for reconsideration on May 26, 2005, within the ten day limitation as established by Rule 59(e). Opposing counsel objected, and in support of his objection filed a facsimile transmittal showing that he had faxed a letter to USAA's counsel on April 19, 2005, which stated he had received a copy of the lower court's decision. See id., at 649-650, at 794. The lower court considered the motion timely filed and affirmed its decision but modified its basis for the decision. The injured party appealed stating that the motion was not timely filed based upon when the order was entered and received by the parties.

On appeal, the Supreme Court noted that counsel for USAA submitted a letter to the lower court indicating that “she did not receive notice of the entry of the final order until May 16, 2005, when Lambrecht’s counsel contacted her.” See id., at 651, at 795. However, as there was no record of the hearing in the lower court, the Court could only defer to and rely on the lower court’s determination as to the credibility of USAA’s counsel and her explanation regarding the delay in filing the motion for reconsideration based upon when she when she actually received notice of the entry of the order. See id., at 652, at 795. As such the Court found the that USAA’s motion for reconsideration and Notice of Appeal were timely filed.

#### **ARGUMENT AND ANALYSIS.**

As previously argued to this Court, the Appellant, by his own statement as an Officer of the Court, admitted in his Certification that he received the Order on or about June 16, 2015. The Appellant then states that he left for vacation on June 16, 2015, and that he “did not review the June 12 Order until June 24, 2015 when I returned after 2:00 AM that morning.” See Certificate. The Appellant then served his Notice of Appeal on opposing counsel on July 24, 2015, which is exactly thirty days after he reviewed the Order. See Certificate of Mailing, July 24, 2015.

In his latest filing to reinstate his appeal, however, the Appellant now wishes to make the distinction between when he “apparently received” the Order and when he “actually received” the Order. He further argues that his Order of Protection protected him from the Court issuing its Order while he was out of State and, by extension, extended his time to file the Notice of Appeal in this matter, and cites Clegg in support of these arguments. All of

these arguments are without merit.

**1. Issue of Order of Protection.**

The Appellant states the first issue is “the scope of the Order of Protection issued by the Court of Common Pleas while it retained jurisdiction of the case or controversy. . . .” See Petition to Reinstate Appeal from Order Filed September 11, 2015, at 2. An Order of Protection requested by an attorney generally protects the attorney and his case from being called for hearings or trials in that court for a period time as requested by the attorney. This type of Order is ordinarily requested by attorneys who are planning vacations or whom are having medical procedures and will be away from their practices for defined periods of time. Such an Order has to be approved by the court, noted to the clerk of court, and properly noticed by the attorney to all opposing counsel with cases in that court. It does not affect pending orders in cases already heard by the court prior to the protected time frame. Respondent’s counsel is not aware of any statute, rule, or case that states that an Order of Protection suspends a court’s administration of a case other than calling it for a hearing or trial, or that such Order extends applicable time frames for filing motions or appeals.

In the present case, the hearing on the Appellant’s Motion for Reconsideration was heard on May 12, 2015, with Judge Scarborough requesting certain issues be briefed by the parties before he would issue a ruling the matter. Those briefs were due May 27, 2015, and both parties timely complied with Judge Scarborough’s directive. However at some point either prior to the hearing or after the hearing but while Judge Scarborough’s decision was pending, Appellant’s counsel requested an Order of Protection for the period between June 15 - 24, 2015, as he would be out of State on vacation. Respondent’s counsel was not aware

of or served the Order of Protection. Judge Scarborough entered his Order June 12, 2015, and the Clerk of Court for Charleston County mailed the Order to respective counsel on June 15, 2015, pursuant to SCRCRCP Rule 77(d). A copy of the Charleston County Clerk of Court's cover sheet and Judge Scarborough's Order are attached as *Attachment 1* and incorporated herein by reference. By the Appellant's own admission, the Order was received in his office on or about June 16, 2015.

In Clegg, the Supreme Court states:

Rule 203(b), SCACR, requires a party to serve his notice of appeal within thirty days after receiving written notice of the entry of the final order or judgment, and failure to do so divests this court of subject matter jurisdiction and results in dismissal of the appeal. The requirement of service of the notice of appeal is jurisdictional i.e. if a party misses a deadline, the appellate court lacks jurisdiction to consider the appeal and has no authority or discretion to "rescue" the delinquent party by extending or ignoring the deadline for service of the notice.

See id., at 651, at 795 (citations omitted); see also Allison v. W. L. Gore & Associates, 349 S.C. 185, 189, 714 S.E.2d 547, 550 (2011) ("This holding is consistent with the general rule that an appellate body may not extend the time to appeal"). By his own statements, the Appellant received the Order in his office on or about June 16, 2015. As such he had thirty days, or until July 16, 2015, to file his appeal with this Court. The Appellant failed to do so.

**2. Issue of "Apparent Receipt" vs. "Actual Receipt" and Application of Clegg.**

The Appellant states that the second issue is "...and /or the definition of 'received' the SCRCRCP Rule 59 Order" in the wake of Clegg. See Petition at 2. In his Certification, the Appellant unequivocally states "my office received the signed Order denying the Plaintiff's [sic.] Motion to Reconsider dated June 12, 2015 on or about June 16, 2015" which was the same day he left on vacation. He also unequivocally states that he "did not review the June

12 Order until June 24, 2015" when he returned from vacation. In his Petition, however, the Appellant changes his posture and now states that he "apparently received" the Order on or about June 16, 2015 and "actually received" the Order on June 24, 2015, and essentially asks this Court clarify the term "receipt of written notice" in SCACR 203(b)(1) in light of the Supreme Court's decision in Clegg. Again, and as was previously argued with respect to the original Certification, this is an effort to extend the period in which he could appeal beyond thirty day requirement as set forth in SCACR 230(b)(1).

As an example of the a court extending a time frame based upon "actual receipt" of an Order, the Appellant cites Clegg, but the Appellant's reliance on this case is misplaced and the facts are distinguishable from the present matter. As previously set forth, the Clerk of Court for Charleston County mailed the Order to respective counsel on June 15, 2015. However, unlike the attorney in Clegg who stated that she had no prior notice of the order being issued until opposing counsel notified her of the order and certified such lack of notice on a letter to the lower court, the Appellant has unequivocally stated that "my office received the signed Order denying the Plaintiff's [sic.] Motion to Reconsider dated June 12, 2015 on or about June 16, 2015". See Certification. In addition, where the Supreme Court in Clegg had no record of the hearing in which to make determination as the veracity of the attorney's representation to the lower court, this Court has the Appellant's own statements - his Certification in which he states he received the Order on or about June 16, 2015, and then his Petition in which he "apparently received" the Order on or about June 16, 2015, but "actually received" the Order on June 24, 2015. The Appellant never denies that his office received the Order on or about June 16, 2015, in either the Certification or his Petition. In

Clegg the attorney states that she never received the order from the beginning, which is the complete antithesis of the Appellant's position(s).

The Appellant wishes for this Court to make a distinction between "apparent receipt" and "actual receipt" in examining Rule 203(b)(1) in an effort to show why his appeal should be considered timely and why this Court "improvidently granted" the Respondent's Motion to Dismiss. In truth, no distinction is required because between the plain, unambiguous language of Rule 203(b)(1) and the Appellant's own statements, the Order was received in his office, in some form, on or June 16, 2015. As such he had thirty days, or until July 16, 2015, to file his appeal with this Court.

Even if this Court were give the Appellant all benefits of doubt, a simple examination of the calendar shows the Appellant had until July 16, 2015, to timely file the Notice of Appeal. This date did not fall on a Saturday, Sunday or a federal or state holiday which would have extended the time as set forth in Rule 263(a). Though the Appellant "apparently received" the Order on June 16, 2015, while on vacation, but did not "actually receive" the Order and / or read it until he returned from vacation on June 24, 2015, he still had twenty-two days from the date he returned from his vacation to timely file the Notice of Appeal with this Court based upon the date he admitted his office first received the Order. The Appellant failed to do so and instead is now relying on the circumstances set forth in his Certification, his Petition, his Order of Protection in the lower court, and a unique factual situation presented to the Supreme Court in Clegg in an effort to extend the time to file the Notice of Appeal by an additional eight days. Per Rules 203(b)(1) and 263(b) this is not possible, and this Court cannot not extend the time to file the Notice of Appeal. See Elam

v. S.C.Dep't of Transp., 361 S.C. 9, 602, S.E.2d 772 (2004).

Finally, the Appellant would “urge the foregoing be reviewed in in light of the preference for matters to be resolved on their merits and not mere procedural technicalities, as has been expressed repeatedly under SCRCR Rule 55, which also has a ‘good cause shown’ standard. See Petition, at 2. Unfortunately, the filing deadline for an appeal is not a “mere procedural technicality”, and the courts in Elam, Clegg, and Allison have all interpreted the requirement of service of the notice of appeal in SCARC Rule 203(b)(1) as jurisdictional and if a party misses a deadline, the appellate court lacks jurisdiction to consider the appeal and has no discretion to extend the deadline for service of the notice.

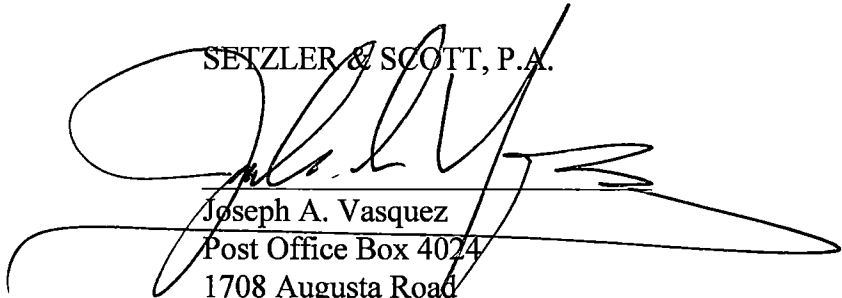
#### **CONCLUSION.**

Based upon Rules 203(b)(1), and 263(a) and (b) SCACR, the Appellant’s Notice of Appeal was not timely filed. In reviewing the Appellant’s Certificate, he admits receiving the Order, in some form, on or about June 16, 2015, which would have made the last day to file the Notice of Appeal July 16, 2015. The Appellant did not file his Notice of Appeal until July 24, 2015. This Court held that the Appellant was not timely in filing his Notice of Appeal and dismissed it on September 11, 2015. In reviewing Appellant’s subsequent Petition he argues the Motion to Dismiss “was improvidently granted” and further argues the scope of his Order of Protection filed in the lower court should be considered when Judge Scarborough issued his Order on June 12, 2015, and asks this Court to define the term “receipt of written notice” as set forth in Rule 203(b)(1) in light of USAA Property and Casualty Insurance Company v. Clegg, 377 S.C. 643, 661 S.E.2d 791 (2008), in an effort to save the appeal. Despite the circumstances as set forth in the Appellant’s Certification, his

Petition, his Order of Protection in the lower court, and a unique factual situation presented to the Supreme Court in Clegg, the Appellant's filing of the Notice of Appeal was not timely and this Court should affirm its Order of September 11, 2015, and deny the Appellant's Petition.

September 30, 2015

SETZLER & SCOTT, P.A.



Joseph A. Vasquez

Post Office Box 4024

1708 Augusta Road

West Columbia, South Carolina 29171

(803) 796-1285

Attorney for Respondent

Other Counsel of Record:

William K. Swope  
Swope Law Firm, PA  
1525 Sam Rittenberg Blvd, #208  
Charleston, SC 29407  
(843) 852-4925  
Attorney for the Appellant

# *Attachment 1*

**JULIE J. ARMSTRONG**

CLERK OF COURT, C.P. & G.S.  
100 BROAD STREET, SUITE 106  
CHARLESTON, SC 29401-2258

RETURN SERVICE REQUESTED



clerkofcourt.charlestoncounty.org

67



JOSEPH ALFRED VASQUEZ  
PO BOX 4024  
WEST COLUMBIA SC 29171-4024

**NOTICE OF ENTRY OF JUDGMENT/ORDER PURSUANT TO RULE 77 SCRPC**

**Master Order-defnt's mot for reconsideration os denied**

**CASE NO: 2013CP1000642**

**Jigness Patel VS Dipak M Patel , defendant, et al**

This judgment was entered on the 12th day of June, 2015, and notice mailed first class on Monday, June 15, 2015, to all counsel of record and/or all parties entitled to receive notice.

You may view and download this document at <http://clerkofcourt.charlestoncounty.org> or obtain a copy in person at the Clerk of Court's Office during regular Charleston County business hours.

STATE OF SOUTH CAROLINA  
 COUNTY OF CHARLESTON  
 IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE  
 CASE NO. 2013 CP-10-0642

**FILED**

Patel

2015 JUN 12 PM 3:29

Patel, et al.

PLAINTIFF(S)

JULIE J. ARMSTRONG  
 CLERK OF COURT

DEFENDANT(S)

|               |  |
|---------------|--|
| Submitted by: | Attorney for: <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant |
|               | or<br><input type="checkbox"/> Self-Represented Litigant                                       |

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court: Defendant's Motion for Reconsideration is Denied. The Statute of Limitation did not run until the Power of Attorney was filed with the Corrective Deed on February 1, 2011 in an effort to convey title for the hotel. Plaintiff has standing to sue as beneficiary of the Estate of DJ Patel. Furthermore, the Power of Attorney was without legal effect upon DJ Patel on November 27, 2009. And it is so ORDERED!

**ORDER INFORMATION**

This order  ends  does not end the case.

Additional Information for the Clerk :

| INFORMATION FOR THE PUBLIC INDEX   |  |  |
|--|--|--|
| Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below. |  |  |
| Judgment in Favor of<br>(List name(s) below)   | Judgment Against<br>(List name(s) below) | Judgment Amount To be Enrolled<br>(List amount(s) below) |
|  |  | \$   |
|  |  | \$   |
|  |  | \$   |
| If applicable, describe the property, including tax map information and address, referenced in the order:  |  |  |

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge

3062

Judge Code

Date

6/9/15

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to attorneys of record or to parties (when appearing pro se) as follows:

\_\_\_\_\_  
\_\_\_\_\_  
**ATTORNEY(S) FOR THE PLAINTIFF(S)**

\_\_\_\_\_  
\_\_\_\_\_  
**ATTORNEY(S) FOR THE DEFENDANT(S)**

\_\_\_\_\_  
**CLERK OF COURT**

**Court Reporter:**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Master in Equity Court

SO Court of Appeals

Mikell R. Scarborough, Master-in-Equity

Case No. 2015-001607

Jigness Patel, Respondent,

v.

Dipak M. Patel, Navnit V. Dhana, as Personal Representatives of the Estate of Dahyabhai Jivanji Patel a/k/a D.J. Patel; Jayantilal Patel a/k/a Jay Patel a/k/a Jay D. Patel a/k/a J.D. Patel; International Trade Linkers, Inc.; Wells Fargo & Company; Wells Fargo Bank, N.A.; County of Charleston; John Doe and Jane Doe representing all other persons or corporations unknown claiming any right, title, estate, interest in or lien upon the real estate described in the Complaint, and Richard Roe representing any unknown infants or persons in military service designated as class, Defendants,

Of whom Jayantilal Patel a/k/a Jay Patel a/k/a Jay D. Patel a/k/a J.D. Patel, is the Appellant.

PROOF OF SERVICE

I certify that I have served the *Reply in Opposition to Appellant's Petition to Reinstate Appeal from Order of September 11, 2015 and Memorandum in Support of Reply in Opposition to Appellant's Petition to Reinstate Appeal from Order of September 11, 2015* by depositing a copy of it in the United States mail, postage prepaid on September 30, 2015, addressed to his attorney of record William K. Swope, Swope Law Firm, PA 1525 Sam Rittenberg Blvd, #208, Charleston, SC 29407.

September 30, 2015

SETZLER & SCOTT, P.A.



Joseph A. Vasquez

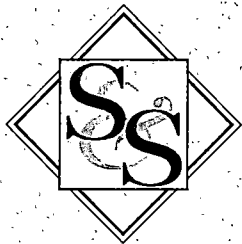
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Attorney for Respondent



Setzler & Scott, P.A.  
Attorneys At Law

RECEIVED  
SEP 30 2015  
SC Court of Appeals

Nikki G. Setzler  
E. Danny Scott  
Joseph A. Vasquez  
Michelle M. Dickerson

September 30, 2015

Hillary J. Lovell

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
1220 Senate Street  
Columbia, SC 29121

RE: Jigness Patel v. Jayantilal Patel a/k/a Jay Patel a/k/a Jay D. Patel a/k/a J.D. Patel, Appellant,  
Case No.: 2015-001607

Dear Ms. Kitchings:

Per Rule 240(c) SCACR enclosed for filing is the original and six (6) copies of the *Reply in Opposition to Appellant's Petition to Reinstate Appeal from Order of September 11, 2015*. Also enclosed are the following:

- (1) An original and six (6) copies of the *Proof of Service* reflecting date of service upon counsel for Jayantilal Patel a/k/a Jay Patel a/k/a Jay D. Patel a/k/a J.D. Patel, William K. Swope; and
- (2) An original and six (6) copies *Memorandum in Support of Reply in Opposition to Appellant's Petition to Reinstate Appeal from Order of September 11, 2015* with attached Attachment 1.

Please feel free to call if you have any questions.

SETZLER & SCOTT, P.A.

Joseph A. Vasquez

/jav

cc: William K. Swope, Counsel for the Appellant  
Jigness Patel

P.O. Box 4024 ♦ 1708 Augusta Road ♦ West Columbia SC 29171-4024 ♦ 803/796-1285 ♦ FAX 803/791-7560

Real Estate Department Paralegals ♦ 803/796-1108 ♦ FAX 803/791-7560

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