

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM YORK COUNTY
Court of Common Pleas

NOV 30 2015

S. Jackson Kimball, Special Circuit Court Judge

SC Court of Appeals

Case No. 2014-001264

Frank M. Adams, Appellant,

v.

The City of Tega Cay, Dennis P. Pieper, Municipal Clerk, Katie Poulsen,
Respondents.

**AFFIDAVIT IN SUPPORT OF APPELLANTS MOTION TO RECALL
REMITTITUR AND REINSTATE CASE ON APPEAL**

The Appellant, Frank M. Adams, hereby moves this Court for an Order, reinstating his case against the above-captioned Respondents, for the following reasons:

1. There was a dispute as to the execution and subsequent implementation of the settlement agreement.
2. This case was previously disposed of due to a Settlement Agreement signed by the Appellant on February 9th, 2015, in the opposing Counsel's offices of Spencer and Spencer. An Agreement For Dismissal of Appeal was signed by Appellant, and opposing Counsel on February 17th, 2015. The party representing the Respondent, The City of Tega Cay signed the Settlement Agreement on February 19th, 2015, but was sent via e-mail, which was unknown to

the Appellant until April of 2015.

3. The Appellant has never received a copy of the signed Settlement Agreement by U.S. Mail, nor a Certificate of Service.

Rule 43(k) of the SCRCP provides:

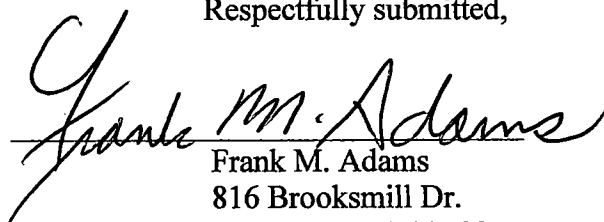
No agreement between counsel affecting proceedings in an action shall be binding unless reduced to the form of a consent order or written stipulation signed by counsel and entered into the record, or unless made in open court and noted upon the record; or reduced to writing and signed by the parties and their counsel. Settlements shall be handled in accordance with Rule 41.1, SCRCP.

4. None of the criteria for meeting Rule 43(k) has been met in this Settlement Agreement, specifically the required signature of counsel as seen in a recently e-mailed copy to Appellant by opposing counsel of the Settlement Agreement (*see* Exhibit "A").

5. Appellant subsequently filed a notice of revocation of the settlement agreement with the Respondents on May 4th, 2015 (*see* Exhibit "B").

November 30th, 2015

Respectfully submitted,



Frank M. Adams
816 Brooksmill Dr.
Tega Cay, SC 29708
Tel. (904) 923-5325
Pro Se Appellant

Appeared before me FRANK M. Adams, Jr
SWORN TO and subscribed before me this

Frank M. Adams

30 day of November 2015

Jennifer A. Petagna
Notary Public

Commission Expires March 14, 2017

Jennifer A. Petagna
Notary Public for SC
Commission Expires
March 14, 2017

Other Counsel of Record:
W. Mark White
226 East Main St.
Post Office Box 790
Rock Hill, South Carolina 29731
Attorney for Respondent
(803) 327-7191

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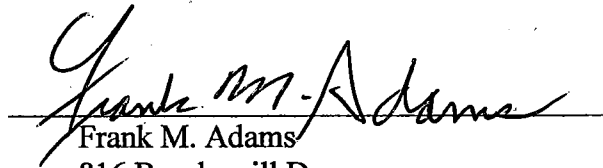
v.

The City of Tega Cay, Dennis P. Pieper, Municipal Clerk, Katie Poulsen,
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CERTIFICATE OF SERVICE

I certify that I have served the Notice of and Motion To Recall The Remittitur And Reinstate Case On Appeal, Memorandum In Support Of Motion For Reinstatement Of Appeal, Affidavit In Support Of Appellants Motion For Reinstatement Of Appeal, and letter to the Honorable David Hamilton, York County Clerk of Court on The City of Tega Cay, Dennis P. Pieper, Municipal Clerk, Katie Poulsen by depositing a copy of it in the United States Mail, postage prepaid, on August 7th, 2015, addressed to their attorney of record, W. Mark White, 226 East Main St. Post Office Box 790 Rock Hill, South Carolina 29731.

November 30th, 2015

A handwritten signature in black ink, appearing to read "Frank M. Adams", is written over a horizontal line.

Frank M. Adams
816 Brooksmill Dr.
Tega Cay, South Carolina 29708
(904)923-5325
Pro Se litigant/ Appellant

Other Counsel of Record:

W. Mark White
226 East Main St.
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