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THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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SC Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

James O. Spence, Master-In-Equity Judge

Appellate Case No. 2015-002048

Marjorie E. Temple.....Respondent,
v.
Charles E. Strickland, III, Latisha D. Strickland, and Justin R. Dillon.....Appellant.

Notice of Motion and Motion To Take Judicial Notice

The Appellants move this court pursuant to Rule 240 of the Appellate Court Rules for an Order to take Judicial Notice of Rule 5(a)(4) of the South Carolina Rules of Civil Procedure, which requires written notices to be served upon the attorney or upon a party by delivering a copy to him (which means handing it to the attorney or leaving it at his office) or by mailing it to him at his last known address or, if no address is known, by leaving it with the Clerk of Court.

Appellants previously called attention to the Court that Rule 5(a) requires service of a written Order and other similar papers, but did not highlight Rule 5(a)(4) of the South Carolina of Civil Procedure pertaining to written notices.

It is therefore, Appellants' position in this case that **any written notice of entry of a judgment or an order must be served in accordance with Rule 5(a)(4) and Rule 5(b)(1) of the South Carolina Rules of Civil Procedure.** Until proper service occurs, legal receipt of written notice of entry cannot be effected.

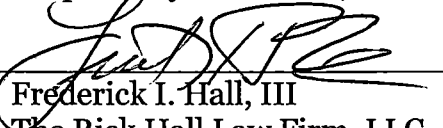
This Court may take judicial notice of a statute, *Robert Trent Jones, Inc. v. B-F Limited Partnership*, 276 S.C. 469, 279 S.E.2d 613 (1981), and may affirm for any reason appearing in the record. *State v. Smith*, 316 S.C. 53, 447 S.E.2d 175 (1993); Rule 220(A), SCACR.

Porter v. S. Carolina Pub. Serv. Comm'n, 327 S.C. 220, 223, 489 S.E.2d 467, 469 (1997)

On these grounds, the Appellants move the court to take judicial notice as set forth herein.

Respectfully Submitted,

BY:



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Attorney for Appellants

November 17, 2015

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In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
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James O. Spence, Master-In-Equity Judge

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PROOF OF SERVICE

I certify that I have served theAppellants' Notice of Motion and Motion To Take Judicial Notice by depositing a copy of it in the U.S. Mail, postage prepaid, on November 17, 2015, addressed to her attorneys of record, S. Andrew Syrett and Rolland E. Greenburg, III at the addresses listed below:

S. Andrew Syrett, Esquire
712 Richland Street, Suite E
PO Box 7403
Columbia, SC 29202

Rolland E. Greenburg, III, Esquire
712 Calhoun Street, Suite D
Columbia, S.C. 29201
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November 17, 2015


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sctrilattorneys.com

Rick Hall

Jennifer M. Cooper

November 17, 2015

VIA U.S. MAIL

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, SC Court of Appeals
1220 Senate Street
PO Box 11629
Columbia, South Carolina 29211

**RE: Charles E. Strickland, III, Latisha D. Strickland and Justin Dillon,
Appellants vs. Marjorie E. Temple, Respondent
Appellate Case No. 2015-002048**


Dear Ms. Kitchings:

Please find enclosed herewith the original and six (6) copies of Appellants' Notice of Motion and Motion To Take Judicial Notice, in connection with the above-referenced case.

I am also enclosing a check in the amount of \$25.00 to cover the filing fee.

Should you have questions regarding this matter, please feel free to contact me at my Lexington office.

Yours truly,

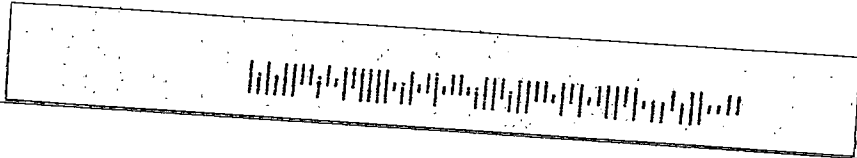
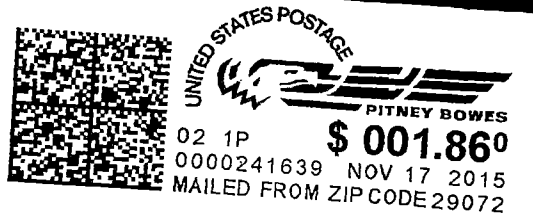


Frederick I. Hall, III

FIH,III/gmt

Enclosures

cc: S. Andrew Syrett, Esquire
Rolland E. Greenburg, III, Esquire
Mr. Jimmy Dillon



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Lexington, South Carolina 29071

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