

December 28, 2015

Clerk of Court
1220 Senate Street
Columbia, SC 29201

RECEIVED

JAN 07 2016

SC Court of Appeals

Re: 2015CV4011001730

Dear Clerk of Court,

We are requesting a complete and thorough review of this matter. It is our desire to appeal the ruling. Based on the enclosed documents, it is clear by the timeline that the court didn't respect our right to appeal. Most evidently by mailing the ruling 19 days after it was signed. Which would have far exceeded the 10-day appeal period.

It is our desire to have this complete matter reviewed per based on the clear bias against the defendant by the magistrate in her remarks during the hearing.

Timeline:

- 10/1/15 – Smith vs SAM LLC court date. Magistrate Judge Caroline Streater was not able to render a judgement at the time and said she would rule after further review.
- 12/4/15 – Ruling dated 11/5/15 received by my assistant. Almost 30 days from date of ruling.
- 12/7/15 – My assistant called the Magistrate's office and spoke to Amy Hancock. Amy informed us that we had 10 days from the ruling date to file an appeal. That we would have received our appeal instructions on our court date of October 1, 2015, after the ruling. My assistant informed her the magistrate did not rule at that time. She was then told where to file appeal and to definitely do so even though it's been more than 10 days.
- 12/7/15 - A letter was faxed to magistrate's office expressing concern that it took so long to receiving the ruling and appeal instructions were not included.
- 12/14/15 – Assistant received a letter dated 12/8/15 from Amy Hancock apologizing for the inconvenience. Stating they first mailed the order on November 24 to the address originally provided. Once it was returned by the postal service, they examined the file and discovered my request to have all documents forwarded to my assistant's address.

We look forward to a reply and next steps regarding a fair resolution of this mater.

Sincerely,


C.S. Glover

Waverly Magistrate

2712 Middleburg, Dr. Suite 106

Columbia, SC 29204

Civil Case Number 2015CV4011001730

Dear Magistrate,

I am concerned about the time it took for us to receive this judgement dated 11/5/15. It was received on December 4, 2015 at my assistant's address, a full thirty days from the signature date. Her address was provided to your office at the beginning of this process as the one to use for all correspondence.

In addition to that, there is nothing to indicate the process for appeal. I would also like a copy of the transcript.

Please respond to my assistant, Kathy McHenry at 540-479-2238 or kathy@interactiveairportadvertising.com regarding the appeal process and my concerns.

Regards,


C.S. Glover

December 8, 2015

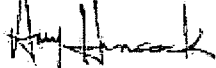
Dear Ms. Carolyn Sawyer-Glover,

After speaking with your assistant and receiving a fax regarding your concern for the time it took to receive your Order, I'd like to apologize for the inconvenience. I first mailed the order on November 24th to the address originally provided. Once it was returned by the postal service, I examined the file and discovered your request to have any filing forwarded to your assistant's address.

I've enclosed the pertinent information concerning the appeals process. This was extracted from socourts.org. I've also included the Judgment with instructions that were not sent with the Order. I'll be happy to send you a copy of the hearing transcript upon receipt of the \$25 fee.

If I can be of further assistance, please call.

Argy Hancock



Waverly Magistrate
(803) 576-2590

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)
)
)

2015CV4011001730
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

JUDGMENT

Demetrice Guinyard

Jillsha Smith

PLAINTIFF(S)

Vs

Sam, Llc

Carolyn Sawyer a/k/a
C.S. Glover

1218 Maple Street
Columbia, SC 29205

1218 Maple Street
Columbia, SC 29205

DEFENDANT(S)

The issues in this action were tried in the Richland County Magistrate's Court on November 5, 2015 at which time a Judgment for the Plaintiff, Demetrice Guinyard, was rendered in the amount of \$485.00.

IT IS THEREFORE ORDERED that the Plaintiff recover from the Defendant(s):

Sam, Llc

Carolyn Sawyer a/k/a C.S. Glover

the total amount of \$485.00 which includes other relief, if any, as stated below.

11.5.15
DATE


JUDGE

Waverly Magistrate.

2712 Middleburg Dr., Suite 106

Columbia, SC 29204

Phone: (803) 576-2590 Fax: (803) 576-2599

RECEIVED

JAN 07 2016

SC Court of Appeals

WAVERLY MAGISTRATE

Sam, Llc
1218 Maple Street
Columbia, SC 29205

JUDGMENT INFORMATION FOR DEFENDANT

Enclosed is your copy of the judgment that was issued against you. Please note that this judgment can be filed against you in the Clerk of Court's office. If this is done, the judgment will accrue interest at the legal rate compounded annually for a total of ten years. The person holding the judgment can also file for an Execution of Judgment. This means they can get the Sheriff's Department to do a property search and if there is any property listed in your name, the Sheriff's Department can and will seize the property and sell it at public auction to satisfy the debt.

Should you have any questions about judgments, please contact your Clerk of Court at -.

Judgment Interest Rates

January 1, 2000 – June 30, 2005 - 12% compounded annually

July 1, 2005 to present: Prime rate plus 4%

(Prime rate for the year is the rate published in the Wall Street Journal after January 1st of each year.)

Waverly Magistrate
2712 Middleburg Dr., Suite 106
Columbia, SC 29204
Phone: (803) 576-2590
Fax: (803) 576-2599

December 8, 2015
Enclosure - Judgment

6. Appeals

Any person may appeal the judgment of the magistrate's court to the circuit court of the county in which the judgment was rendered. A party may appeal from a judgment in a magistrate's court without having made a motion for a new trial with the magistrate, but once such a motion for a new trial is made, an appeal of the judgment is not properly made until refusal of the motion.

b. Effecting the Appeal

* The party appealing, the appellant, must serve a notice of appeal upon both the magistrate and the opposing party, or respondent, within thirty days of receipt of notice of the judgment, order, or decision from which the appeal is taken. In addition, the appellant must serve the notice of appeal on the clerk of court and pay the appropriate filing fee. (Rule 74, SCRCP) (See §8-21-310(11)(a) for the amount of the filing fee, plus the \$50 additional fee required by §14-1-204(b)(1).)

If the appellant appeared at trial and the judge announced the final judgment in his presence, written notice of the judgment is not required in order to start the running of the thirty day period. If the appellant failed to appear at trial, or the judge failed to announce the final judgment in the appellant's presence, the thirty day period begins to run only after appellant's receipt of written notice of the judgment, order, or decision. (§ 18-7-20). If a motion for a new trial is properly made within the prescribed ten day period pursuant to § 22-3-1000, but refused, the right of appeal exists for thirty days after receipt of written notice of the refusal, during which time the notice of appeal must be served.

c. Service of Notice of Appeal

The notice of appeal must be served upon the opposing party pursuant to Rule 5, SCRCP within the time limit previously discussed. The magistrate should be served with a notice so that the return may be prepared and transmitted to the clerk of the circuit court in a timely fashion. This procedure is clearly anticipated by Rule 75, SCRCP.

When a party is represented by an attorney, the notice of appeal must be served upon the attorney unless the court orders service directly upon the party. The attorney or party is served by delivery of the notice of appeal to him or mailing it to him at his last known address.

If no address is known, the notice may be left with the clerk of court. Delivery of the notice of appeal can be accomplished by handing the notice to the attorney or the party, or by leaving it at his office with someone in charge. If no one is in charge of the office, service can be accomplished by leaving the notice in a conspicuous place in the office. When the office is closed or the attorney or party to be served does not have an office, service may be accomplished by leaving the notice of appeal at his dwelling place or usual place of abode with some person of suitable age and discretion then residing therein. (Rule 5(b)(1), SCRCP).

d. Contents of Notice of Appeal

The notice of appeal should contain a general statement of the grounds upon which the appeal is founded. It should state in what particular or particulars the appellant claims the judgment should have been more favorable to him. If the appeal is based on disagreement with the amount of the judgment, the appellant must state what the amount should have been. (§ 18-7-30).

g. Judgment on Appeal

Upon hearing the appeal, the circuit court may give judgment according to the justice of the case, without regard to technical errors and defects not affecting the merits. (§ 18-7-170).