

79292

NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

Honorable Edward W. Miller, Seventh Judicial Circuit

RECEIVED

APR 15 2016

SC Court of Appeals

Case No. 2014-CP-42-00639

Debra S. Switzer, Shirlee K.
Sands, Donald E. Sands,
Donald W. Sands, Hannah L.
Smith, Austin W. Smith, and
Carl Hocker,

Respondents,

v.

Stephanie S. Smith,

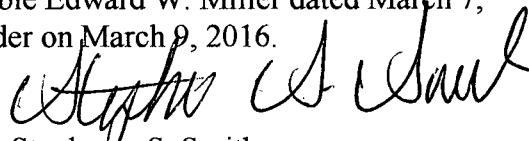
Appellant.

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2016 APR 14 AM 11:29
M. HOPE BLACKLEY

NOTICE OF APPEAL

Stephanie S. Smith appeals the order of the Honorable Edward W. Miller dated March 7, 2016. Appellant received written notice of entry of this order on March 9, 2016.

April 6, 2016



Stephanie S. Smith
2 Dublin Court
Spartanburg, South Carolina 29301
Appellant / Pro Se
(864) 216-1980 or (864) 574-3776

Other Counsel of Record:
Ryan F. McCarty (for Debra S. Switzer)
P.O. Box 3547
Spartanburg, South Carolina 29304
Attorney for Respondent
(864) 585-5100

PROOF OF SERVICE OF A NOTICE OF APPEAL

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

APR 15 2016

SC Court of Appeals

Honorable Edward W. Miller, Seventh Judicial Circuit

Case No. 2014-CP-42-00639

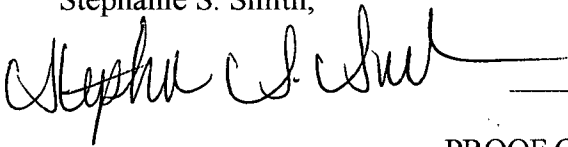
Debra S. Switzer, Shirlee K.
Sands, Donald E. Sands,
Donald W. Sands, Hannah L.
Smith, Austin W. Smith, and
Carl Hocker,

Respondents,

v.

Stephanie S. Smith,

Appellant.



FILED
CLERK OF COURT
SPARTANBURG COUNTY
2016 APR 14 AM 11:29
M. HOPE BLANCHLEY

PROOF OF SERVICE

This is to certify that on the 6th day of April, 2016, Appellant Pro Se Stephanie S. Smith, served a copy of the **NOTICE OF APPEAL** by depositing a copy of the same into the United States Mail, postage pre-paid and in the correct amount to the following:

Ryan F. McCarty
Attorney for Debra Switzer
PO Box 3547
Spartanburg, SC 29304

Donald and Shirlee Sands
2 Dublin Court
Spartanburg, SC 29301

Carl Hocker
356 Templeton Drive
Spartanburg, SC 29306

Donald W. Sands
2 Dublin Court
Spartanburg, SC 29301

**CLERK OF LOWER COURT
FILING NOTICE OF APPEAL**

April 6, 2016

The Honorable Hope Blackley
Clerk of Court for Spartanburg County
Post Office Box 3483
Spartanburg, South Carolina 29304

RECEIVED
APR 15 2016
SC Court of Appeals

RE: In the Matter of: Shirlene Kent Knowles Estate

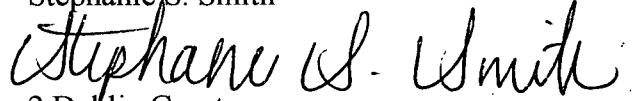
Stephanie S. Smith, Appellant, v. Debra S. Switzer, Shirlee K. Sands,
Donald E. Sands, Donald W. Sands, Hannah L. Smith, Austin W. Smith,
and Carl Hocker, Respondent, Case No. 2014-CP-42-00639

Dear Hope Blackley:

Enclosed for filing is a notice of appeal in the above case.

Kindest Regards,

Stephanie S. Smith



2 Dublin Court
Spartanburg, South Carolina 29301
Appellant / Pro Se
(864) 216-1980 or (864) 574-3776

cc: Ryan F. McCarty (for Debra S. Switzer)
P.O. Box 3547
Spartanburg, South Carolina 29304
Attorney for Respondent
(864) 585-5100

FILED
CLERK OF COURT
SPARTANBURG COUNTY
2016 APR 14 AM 11:09
M. HOPE BLACKLEY

APPELLATE COURT CLERK
FILING NOTICE OF APPEAL

April 6, 2016

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED

APR 15 2016

SC Court of Appeals

FILED
CLERK OF COURT
SARTANBURG COUNTY
APR 14 AM 11:29
M. HOPE BLACKLEY

RE: In the Matter of: Shirlene Kent Knowles Estate

Stephanie S. Smith, Appellant, v. Debra S. Switzer, Shirlee K. Sands,
Donald E. Sands, Donald W. Sands, Hannah L. Smith, Austin W. Smith,
and Carl Hocker, Respondent, Case No. 2014-CP-42-00639

Dear Ms. Kitchings:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondents.
- (2) A copy of the order which is to be challenged on appeal.
- (3) A filing fee of \$100.
- (4) This appeal is being filed with the South Carolina Court of Appeals based on SCACR Rule 201, Right to Appeal: (a) Judgments, Orders and Decisions Subject to Appeal. Appeal may be taken, as provided by law, from any final judgment, appealable order or decision. The procedure for petitioning for a writ of certiorari to review final judgments in post-conviction relief cases is provided by Rule 243. Further, the review of decisions of the State Board of Canvassers in election cases shall be by petition for a writ of certiorari under S.C. Code Ann. §§ 7-17-250 and 7-17-270. (b) Who May Appeal: Only a party aggrieved by an order, judgment, sentence or decision may appeal. As well as SC Code of Laws, Title 18, Chapter 9, Sections: 18-9-10, 18-9-30 and 18-9-40.

Multiple grounds are alleged and supported by evidence, for example: the trial was not fair; there exists newly discovered evidence that would probably have changed the result at trial; irregularity in the proceedings precluded a fair trial due to extrinsic and intrinsic fraud upon the Court.

Cumulative effect of multiple errors, even if no one alleged error would be sufficient by itself to support the granting of a new trial.

H. Lightsey & J. Flanagan, South Carolina Civil Procedure 407 (2d ed. 1985)

United States v. Throckmorton, 98 U.S. 61 (1878)

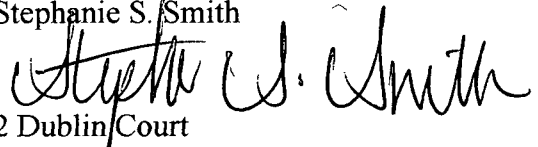
Bekins Van Lines v. Beal, 418 So.2d 81 (Ala. 1982)

Motion filed on May 15, 2015 to Amend/Alter Judgment that was subsequently filed after dismissal of Motion for New Trial based on after discovered evidence being dismissed without the opportunity to be heard in the Court and present evidence supporting my argument.

Due to the previously stated, I am filing and respectfully requesting an appeal.

Kindest Regards,

Stephanie S. Smith



2 Dublin Court
Spartanburg, South Carolina 29301
Appellant / Pro Se
(864) 216-1980 or (864) 574-3776

cc: Ryan F. McCarty (for Debra S. Switzer)
P.O. Box 3547
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