

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM HORRY COUNTY  
Circuit Court

Honorable Larry B. Hyman, Circuit Court Judge  
Honorable Steven H. John, Circuit Court Judge

**RECEIVED**

APR 05 2016

**SC Court of Appeals**

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Appellate Case No. 2015-001621

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Retha Pierce Sturdivant,..... Appellant,

-vs.-

City of Conway,.....Respondent.

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**RETURN TO MOTION OF APPELLANT**

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O. Terry Beverly  
SC Bar No. 00691  
1202 Third Avenue  
Conway, South Carolina 29526  
Phone: (843) 248-7576  
Attorney for Respondent

## RETURN TO MOTION OF APPELLANT

The Respondent, City of Conway, by and through its attorney, O. Terry Beverly, by way of Return to Motion of Appellant, objects to the granting of Appellant's motion in the following particulars:

1. Rule 240(f), SCACR provides that the moving party shall have five (5) days from the date of service of a return to file an original and six (6) copies of a reply with the clerk and serve all parties a copy of the reply. Moreover, Rule 262(b), SCACR states that service by mail is complete upon mailing. Therefore, Appellant is in direct violation of Rule 240(f), SCACR and 262(b), SCACR and Appellant's motion should therefore be denied.
2. Appellant's failure to comply with Rule 240(g), SCACR should be deemed abandonment of the appeal.

WHEREFORE, for the reasons set forth above, Respondent, City of Conway, moves for the denial of Appellant's motion and for dismissal of this appeal.

RESPECTFULLY submitted this 1<sup>st</sup> day of April, 2016, by:



O. Terry Beverly  
SC Bar No. 00691  
1202 Third Avenue  
Conway, SC 29526  
Phone: (843) 248-7576  
Facsimile: (843) 248-8829  
Email: [beverlylaw@sccoast.net](mailto:beverlylaw@sccoast.net)  
*Attorney for Respondent*

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Retha Pierce Sturdivant,..... Appellant,

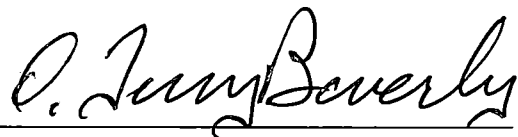
-vs.-

City of Conway,..... Respondent.

**PROOF OF SERVICE**

I certify that I have served Respondent's **Return to Appellant's Motion to Allow Late Filing of Reply to Respondent's Return** , by depositing a copy of it with the United States Post Office, via Certified Mail Receipt 7014 1820 0000 6964 7357 and Regular Mail, postage prepaid, on April 1, 2016, addressed to Appellant, **Retha Pierce Sturdivant, 412 32<sup>nd</sup> Avenue South, Atlantic Beach, South Carolina 29582-4716.**

April 1, 2016



O. Terry Beverly  
SC Bar No. 00691  
1202 Third Avenue  
Conway, South Carolina 29526  
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Attorney for Respondent

*O. Terry Beverly*

*Attorney at Law*

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1202 Third Avenue  
Conway, South Carolina 29526

Certified Family Court Mediator  
E-mail: [terryb@sccoast.net](mailto:terryb@sccoast.net)

April 1, 2016

Honorable V. Claire Allen, Deputy Clerk  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

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SC Court of Appeals

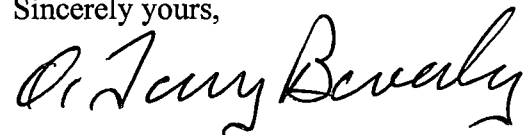
Re: *Retha Pierce Sturdivant v. City of Conway*  
Appellate Case No.: 2015-001621

Dear Ms. Allen:

Enclosed for filing please find one (1) original and six (6) copies of Respondent's **RETURN TO MOTION OF APPELLANT** and **PROOF OF SERVICE** of the same. Upon filing, I respectfully request that you please return a clocked copy to me in the enclosed self-addressed and stamped envelope. By copy of this letter with stated enclosures, via U.S. Certified Mail and Regular Mail, I have served a copy of the Return upon Appellant, Retha Pierce Sturdivant.

Thank you for your assistance with this matter.

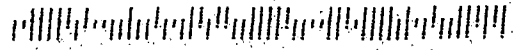
Sincerely yours,



O. Terry Beverly

OTB/ejs  
Enclosures

cc: Retha Sturdivant  
412 32<sup>nd</sup> Avenue South  
Atlantic Beach, South Carolina 29582-4716



*O. Terry Beverly*

*Attorney at Law*

*1202 Third Avenue*

*Conway, South Carolina 29526-5106*

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