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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BARNWELL COUNTY
Court of Common Pleas

Doyet A. Early, III, Circuit Court

Case No. 2016-000578

RECEIVED

MAY 16 2016

SC Court of Appeals

Triad Corrugated Metal, Inc., Appellant,

v.

Eugene Edward Bolen, Jr. and Frances F. Bolen, First Financial Bank, and Hart's
Farm and Building Supply, Inc., Defendants,

Of whom, Eugene Edward Bolen, Jr., Frances F. Bolen, and First Financial Bank
are the Respondents.

MOTION FOR REINSTATEMENT OF APPEAL

Paul Simons, Jr., attorney of record for Triad Corrugated Metal, Inc. ("**Appellant**"), hereby
files this motion for reinstatement of Appellant's appeal which was dismissed for failing to
provide a copy of the transcript correspondence to Court Administration, as required by Rule
207 of the South Carolina Appellate Court Rules. The grounds for this motion are as follows:

1. By correspondence dated April 5, 2016, the Clerk of Court for the South Carolina
Court of Appeals informed counsel for Appellant of the following deficiencies:

"A copy of this document was not provided to the Office of Court Administration as

required by the SCACR. The address for Court Administration is 1220 Senate Street, Suite 200, Columbia, SC 292001.”

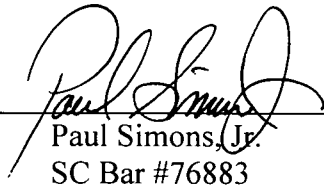
2. Appellant was provided 10 days to correct this deficiency.
3. As set forth in the affidavit of Dara Worrell submitted contemporaneously with this motion, such correspondence was mailed to the Office of Court Administration on April 7, 2016, as instructed by the Court of Appeals.
4. Exhibit A” shows a copy of the envelope containing the correspondence to the Office of Court Administration post-marked April 7, 2016.

WHEREFORE, for the reasons set forth above:

1. Appellants appeal should be reinstated.

[ATTORNEY SIGNATURE ON FOLLOWING PAGE]

May 13, 2016



Paul Simons, Jr.
SC Bar #76883
HULL BARRETT, P.C.
111 Park Avenue, SW
Aiken, SC 29801
Phone: 803-648-4213
Facsimile: 803-648-2601
Attorneys for Appellant

Opposing Counsel of Record:

Caitlin C. Heyward, Esq.
Bruner, Powell, Wall & Mullins, LLC
P.O. Box 61110
Columbia, SC 29260-1110
Attorney for Respondents Eugene Edward Bolen, Jr. and Frances F. Bolen

Kathleen McDavid Muthig
Finkel Law Firm, LLC
1201 Main Street, Suite 1800
Columbia, SC 29201
Attorney for Respondent, First Financial Bank

40

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are the Respondents.

AFFIDAVIT OF DARA WORRELL

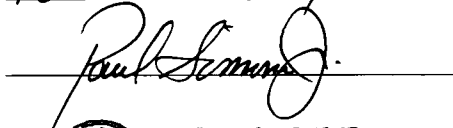
I, Dara Worrell, in connection with Appellant's Motion for Reinstatement of Appellant's
appeal which was dismissed for failing to provide a copy of the transcript correspondence to Court
Administration, as required by Rule 207 of the South Carolina Appellate Court Rules, do solemnly swear
and affirm the following:

1. Attorney Paul Simons received correspondence dated April 5, 2016, from the
Clerk of Court for the South Carolina Court of Appeals informing him of the
following deficiency in connection with his request of the transcript of record
("Deficiency Letter"): "A copy of this document was not provided to the

Office of Court Administration as required by the SCACR. The address for Court Administration is 1220 Senate Street, Suite 200, Columbia, SC 29201.”

2. On April 7, 2016, I mailed to the Office of Court Administration the requested correspondence noted in the Deficiency Letter. A copy of this correspondence, together with a copy of the envelope, is attached hereto as Exhibit “A”.
3. As is my customary practice, when the letter was sent to the Office of Court Administration I noted the same had been completed on April 7, 2016, by my handwritten “√ done 4/7/16” on the Deficiency Letter. A copy of my handwritten notation on the Deficiency Letter is attached hereto as Exhibit “B”.
4. On May 5, 2016, Mr. Simons received a copy of the order dismissing the appeal. I immediately notified the Court of Appeals and faxed Exhibit A and Exhibit B to V. Claire Allen, Deputy Clerk pursuant to their instruction.

SWORN to before me this
13TH day of MAY, 2016





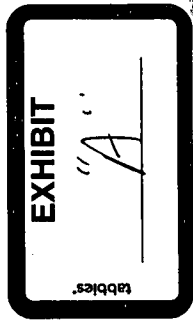
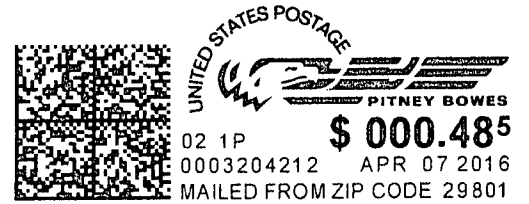
PAUL SIMONS JR.
Notary Public for South Carolina
My Commission Expires June 4th, 2024



Dara Worrell
Paralegal to Paul Simons, Jr.

HB
HULL BARRETT
ATTORNEYS
POST OFFICE BOX 517
AIKEN, SOUTH CAROLINA 29802-0517

Office of Court Administration
1220 Senate Street, Suite 200
Columbia, SC 29201





HULL BARRETT

A T T O R N E Y S

AUGUSTA AIKEN EVANS

PAUL K. SIMONS, JR.

- LICENSED IN GEORGIA AND SOUTH CAROLINA

PSIMONS@HULLBARRETT.COM

March 28, 2016

VIA US MAIL

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

Re: Triad Corrugated Metal, Inc. v. Eugene Edward Bolen, Jr., Frances F. Bolen, First
Financial Bank, and Hart's Farm and Building Supply
Appellate Case No. 2016-000578

Dear Ms. Kitchings:

Enclosed please find email correspondence wherein the transcript of record was
requested in the referenced matter.

If you have any questions or comments, please feel free to contact me.

Sincerely,

Paul K. Simons, Jr.

Enclosures
8442-145

cc: Caitlin C. Heyward, Esq. at Bruner, Powell, Wall & Mullins
Kathleen McDavid Muthig, Esq. at Finkel Law Firm

WWW.HULLBARRETT.COM

HULL BARRETT, PC, 111 PARK AVENUE, S.W., AIKEN, SOUTH CAROLINA 29801

TELEPHONE: (803) 648-4213 FAX: (803) 648-2601

00941106-1

MAILING ADDRESS: POST OFFICE BOX 517, AIKEN, SOUTH CAROLINA 29802-0517

Dara L. Worrell

From: Dara L. Worrell
Sent: Wednesday, March 23, 2016 1:47 PM
To: 'bcreppon@sccourts.org'
Cc: Paul K. Simons (PSimons@hullbarrett.com)
Subject: Order a Transcript

Ms. Creppon

Your name was provided as being the court reporter at the hearing taking place on Tuesday, December 8, 2015, at 10:00 a.m. in the Barnwell County Courthouse with Judge Doyet Early presiding. Case No. is 2014-CP-06-00454, Triad Corrugated Metal, Inc. v. Hart's Farm & Builders Supply, Inc. et al.

Please let me know the cost and how we can obtain a certified copy of the transcript of this hearing. We filed an appeal and we will need to disseminate the transcript.

If you need additional information, feel free to give me a call.

Thank you for your response.

Hull Barrett, PC

Dara Worrell, Paralegal

111 Park Avenue, SW • Aiken, South Carolina 29801

T: 803-648-4213 • F: 803-648-2601

Please check out our NEW website: www.HullBarrett.com



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The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

April 05, 2016

Mr. Paul Knapp Simons, Jr., Esquire
111 Park Avenue, SW
Aiken SC 29801

Re: Triad Corrugated Metal v. Eugene Bolen Jr.
Appellate Case No. 2016-000578

Dear Counsel:

Upon reviewing your request for the transcript, the following deficiency has been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

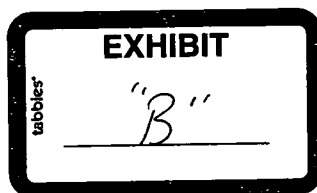
- A copy of this document was not provided to the Office of Court Administration as required by the SCACR. The address for Court Administration is 1220 Senate Street, Suite 200, Columbia, SC 29201.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Caitlin Creswick Heyward, Esquire
Kathleen McDavid Muthig, Esquire



✓
done
4/7/16

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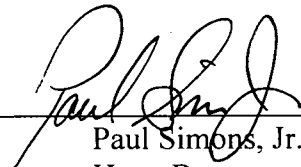
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Farm and Building Supply, Inc., Defendants,

Of whom, Eugene Edward Bolen, Jr., Frances F. Bolen, and First Financial Bank
are the Respondents.

PROOF OF SERVICE

I certify that I have served the Motion for Reinstatement and Affidavit of Dara
Worrell on Eugene Edward Bolen, Jr., Frances F. Bolen, and First Financial Bank, by
depositing a copy of it in the United States Mail, postage prepaid, on May 13, 2016,
addressed to each parties' respective attorney of record: Caitlin C. Heyward, Esq.,
Bruner, Powell, Wall & Mullins, LLC, P.O. Box 61110, Columbia, SC 29260-1110; and
Kathleen McDavid Muthig, Finkel Law Firm, LLC, 1201 Main Street, Suite 1800,
Columbia, SC 29201.

May 13, 2016


Paul Simons, Jr.
HULL BARRETT, P.C.
111 Park Avenue, SW
Aiken, SC 29801
Phone: 803-648-4213

Facsimile: 803-648-2601
Attorneys for Appellant



HULL BARRETT

A T T O R N E Y S

AUGUSTA AIKEN EVANS

PAUL K. SIMONS, JR.

- LICENSED IN GEORGIA AND SOUTH CAROLINA

PSIMONS@HULLBARRETT.COM

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Financial Bank, and Hart's Farm and Building Supply
Appellate Case No. 2016-000578

Dear Ms. Kitchings:

Enclosed please find an original and six copies of our Motion for Reinstatement of Appeal and Affidavit of Dara Worrell with accompanying exhibits in connection with the referenced case. Also enclosed is our check in the amount of \$25.00 as payment for the motion fee.

Also enclosed is a postage-paid envelope in which to return the clocked/filed copy.

If you have any questions or comments, please feel free to contact me.

Sincerely,

Paul K. Simons, Jr.

Enclosures

8442-145

cc: Caitlin C. Heyward, Esq. at Bruner, Powell, Wall & Mullins
Kathleen McDavid Muthig, Esq. at Finkel Law Firm

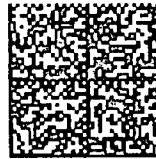
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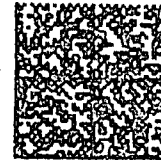
TELEPHONE: (803) 648-4213 FAX: (803) 648-2601

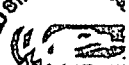
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UNITED STATES POSTAGE

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