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Litigation • Collections
IRS Tax Problem Resolution

September 24, 2012

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

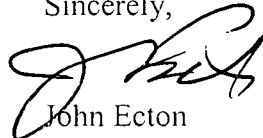
RE: APPEAL
James Harter, Stephanie Harter and Celeste Allis vs. F.G. O'Neal, Jr. Co., Inc.
Appellate Case No. 2012-212426

Dear Ms. Kitchings:

We received the attached Order requesting our response to the appealability of the arbitrators Award. We agree with Respondents that the Appeal as stated is not appealable at this time. We filed our motion for modification and the Circuit Court has not confirmed the award. In addition, we mistakenly identified in our Notice of Appeal that we received written notice of "entry" of the order on May 16, 2012. The judgment was not entered by the Court until May 29, 2012.

By copy to Counsel for Respondent, we are serving them with the same.

Sincerely,



John Ecton

Cc: Mark B. Tinsley, Esq.
Robert N. Hill, Esq.

John Grantland, Esq. (Arbitrator)

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SEP 20 2012
SC Court of Appeals

The South Carolina Court of Appeals

James Harter, Respondent,

v.

F.G. O'Neal, Jr., CO., Inc., Appellant.

Appellate Case No. 2012-212426

ORDER

This appeal was dismissed due to Appellant's failure to timely serve the notice of appeal. Appellant has now filed a motion to reinstate, demonstrating he served the notice of appeal within thirty days of the entry of the underlying order. Accordingly, this appeal is reinstated.

However, a preliminary review of the underlying order indicates it may not be appealable. Appellant is therefore directed to serve and file a memorandum addressing the issue of appealability within ten days. The time limits for perfecting the appeal are held in abeyance pending the Court's consideration of the memorandum.


FOR THE COURT

Columbia, South Carolina

cc:

John Aaron Ecton
Mark Brandon Tinsley
Robert Norris Hill

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SC Court of Appeals

FILED

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SEP 17 2012

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