

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

RECEIVED

FEB 17 2017

Case No. 2014-CP-26-7264

SC Court of Appeals

82540

Gregory Duerk, Donald L. Duerk, Jr. and Deborah Duerk Tiller,.....Appellants,

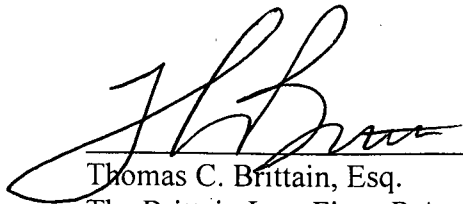
v.

Geoffrey Duerk, Kristen Duerk and James M. Stewart,.....Respondents.

NOTICE OF APPEAL

Gregory Duerk, Donald L. Duerk, Jr. and Deborah Duerk Tiller hereby appeal the Order Denying Motion to Reconsider Order Granting Defendant's Motion to Dismiss of the Honorable Benjamin H. Culbertson dated January 10, 2017. Appellants received written notice of entry of this Order on January 17, 2017.

February 14, 2017



Thomas C. Brittain, Esq.
The Brittain Law Firm, P.A.
4614 Oleander Drive
Myrtle Beach, South Carolina 29577
843-449-8562
Attorney for Appellant

Other Counsel of Record:
William A. Bryan, Jr.
Collins & Lacy, P.C.
11945 Grandhaven Drive, Suite D
Murrells Inlet, SC 29576
Attorney for Respondent James M. Stewart

Jay M. Bultz
Bultz Law Offices, PA
417 79th Avenue North, Suite A
Myrtle Beach, SC 29572
Attorney for Respondents Geoffrey Duerk and Kristen Duerk

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Gregory Duerk, Donald L. Duerk, Jr. and Deborah Duerk Tiller,.....Appellants,

v.

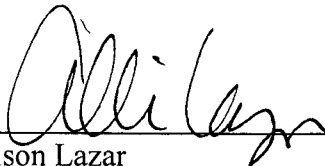
Geoffrey Duerk, Kristen Duerk and James M. Stewart,.....Respondents.

PROOF OF SERVICE

I, Allison Lazar, do hereby certify that I am an employee of THE BRITAIN LAW FIRM, P.A., attorneys for the Appellants Gregory Duerk, Donald L. Duerk, Jr. and Deborah Duerk Tiller in the above-entitled action, and that I have this 14th day of February, 2017, caused to be served upon the following parties the **Notice of Appeal with order being challenged on appeal** by depositing a copy of same in the United States Mail, with sufficient first class postage affixed thereto, addressed as follows:

William A. Bryan, Jr.
Collins & Lacy, P.C.
11945 Grandhaven Drive, Suite D
Murrells Inlet, SC 29576

Jay M. Bultz
Bultz Law Offices, PA
417 79th Avenue North, Suite A
Myrtle Beach, SC 29572



Allison Lazar

SWORN AND SUBSCRIBED before me
this 14th day of February, 2017.



NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 3/16/25

THE BRITTAIN LAW FIRM, P.A.

ATTORNEYS AT LAW
4614 OLEANDER DRIVE
MYRTLE BEACH, SOUTH CAROLINA 29577

THOMAS C. BRITTAIN
MARY MADISON BRITTAIN LANGWAY
A. PRESTON BRITTAIN
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843-449-8562
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www.brittainlawfirm.com

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SC Court of Appeals

Natalie Dahl
P.O. Box 762
Conway, SC 29528

Re: Gregory Duerk, Donald L. Duerk, Jr. and Deborah Duerk Tiller v. Geoffrey Duerk,
Kristen Duerk and James M. Stewart
CA No: 14-CP-26-7264

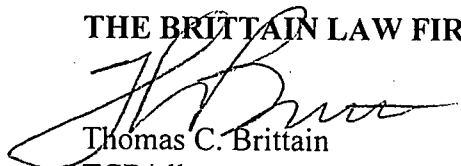
Dear Ms. Dahl:

Please provide me with a complete copy of the transcript from the Motion to Dismiss heard in the above-referenced matter before the Honorable Benjamin H. Culbertson on November 8, 2016 in the Horry County Court of Common Pleas during the 1:00 p.m. roster meeting.

With kindest regards, I am,

Yours truly,

THE BRITTAIN LAW FIRM, P.A.



Thomas C. Brittain
TCB/all

cc: William A. Bryan, Jr., Esquire
Jay M. Bultz, Esquire

THE BRITAIN LAW FIRM, P.A.

ATTORNEYS AT LAW
4614 OLEANDER DRIVE
MYRTLE BEACH, SOUTH CAROLINA 29577

THOMAS C. BRITAIN
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SC Court of Appeals

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

Re: Gregory Duerk, Donald L. Duerk, Jr. and Deborah Duerk Tiller v. Geoffrey Duerk,
Kristen Duerk and James M. Stewart
CA No: 14-CP-26-7264

Dear Ms. Kitchings:

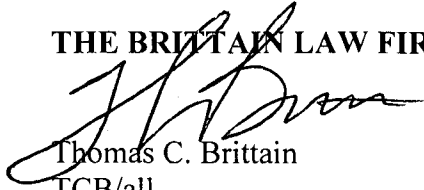
Enclosed herewith for filing please find the original and one (1) copy of the following in the above-referenced matter, together with a check in the amount of \$100.00:

- 1) Notice of Appeal;
- 2) Order which is being challenged on appeal;
- 3) Letter to court reporter requesting hearing transcript; and
- 4) Proof of Service.

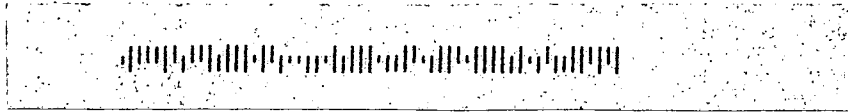
Please file the originals and return the clocked-in copies to our office in the enclosed envelope. By copy of this letter I am serving opposing counsel as well as the lower court in this matter.

With warm regards, I am
Yours truly,

THE BRITAIN LAW FIRM, P.A.


Thomas C. Brittain
TCB/all

cc: William A. Bryan, Jr., Esquire
Jay M. Bultz, Esquire
Horry County Clerk of Court



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ATTORNEYS AT LAW
4614 OLEANDER DRIVE
MYRTLE BEACH, SOUTH CAROLINA 29577

TO:

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