

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM JASPER COUNTY
Court of Common Pleas

Darrell Thomas Johnson, Jr., Special Referee

APPELLATE CASE NO: 2016-000042

RECEIVED

FEB 27 2017

SC Court of Appeals

C. E. LOWTHER, JR., CLAYTON CLARK
LOWTHER, MITCHELL S. LOWTHER
AND EFFIE SANDRA TURPIN,.....Respondents.

v.

E. LEGRAND LOWTHER.....Appellant.

**RETURN TO APPELLANT'S
MOTION TO ESTABLISH BRIEFING SCHEDULE**

The Respondents hereby move to dismiss the Appellant's Motion to Establish a Briefing Schedule. As somewhat acknowledged by counsel for the Appellant in his letter of February 10, 2017, he in fact was served with Notice (emphasis added) that the Special Referee had filed the transcript with the Clerk of Court which in turn required him to file his initial brief within 30 days of that filing. As noted by the Court of Appeals in Wells Fargo, NA v. Fallon Properties South Carolina, LLC, et al, 413 S.C. 642, 776 S.E.2d 575, which dealt with an email notice, constitutes a written notice of the entry of an Order. It would certainly be reasonable that if an email notice is sufficient to trigger the Court Rules on timeliness, then certainly a letter from the Special Master to the Clerk of Court notifying the Clerk and counsel for the parties that the transcript had been filed would have triggered the requirement for the appealing party to file

their Initial Brief. This writer would further note that no Return has been filed to his Motion to Dismiss the Case and such should be done.

As an aside, C. E. Lowther, Sr., died in 2004. His "children" are now in their 60s and 70s and have yet to receive their inheritance. The Respondents respectfully move that this appeal be dismissed.

LAW OFFICE OF R. THAYER RIVERS, JR.



R. THAYER RIVERS, JR.

Post Office Box 668
Ridgeland, SC 29936
843-726-8136

Attorney for the Appellants

Ridgeland, SC,
February 24, 2017

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LOWTHER, MITCHELL S. LOWTHER
AND EFFIE SANDRA TURPIN,.....Respondents.

v.

E. LEGRAND LOWTHER.....Appellant.

PROOF OF SERVICE

I certify that I have served the Return to Appellant's Motion to Establish Briefing Schedule on E. Legrand Lowther by depositing a copy of same in the United States Mail, postage prepaid, on February 27, 2017, addressed to his attorney of record, H. Fred Kuhn, Jr., Post Office Drawer 507, Beaufort, SC, 29901.

LAW OFFICE OF R. THAYER RIVERS, JR.



R. THAYER RIVERS, JR.
Post Office Box 668
Ridgeland, SC 29936
843-726-8136

Attorney for the Appellants

Ridgeland, SC,
February 27, 2017

LAW OFFICE
R. THAYER RIVERS, JR.
COURTHOUSE SQUARE
252 RUSSELL STREET
POST OFFICE BOX 668
RIDGELAND, SOUTH CAROLINA 29936

R. THAYER RIVERS, JR.
ALSO ADMITTED IN GEORGIA

TELEPHONE
(843) 726-8136
FACSIMILE
(843) 726-4401

February 24, 2017

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FEB 27 2017

SC Court of Appeals

Ms. V. Claire Allen
Deputy Clerk
Post Office Box 11629
Columbia, SC 29211

RE: C. E. LOWTHER, JR. v. E. LEGRAND LOWTHER
APPELLATE CASE NUMBER: 2016-000042

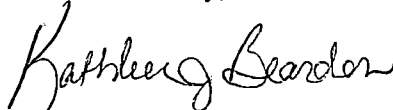
Dear Ms. Allen:

Enclosed please find the original and 7 copies of the Respondent's Return to Appellant's Motion to Establish Briefing Schedule. Please file the original and return a clocked copy in the envelope provided. Also enclosed is our firm's check in the amount of \$25.00 representing the filing fee for same.

By copy of this letter, I am serving H. Fred Kuhn, Jr., attorney for the Appellant, a copy of the aforementioned Motion.

Thank you and kindest regards.

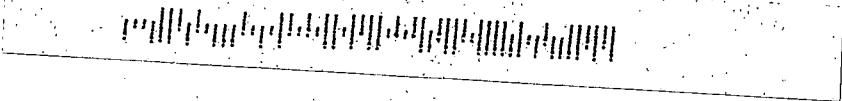
Most sincerely,



Kathleen J. Bearden
Paralegal to R. Thayer Rivers, Jr.

:kjb
Enclosures

cc: H. Fred Kuhn, Jr., Esquire (w/encl.)



LAW OFFICE
R. THAYER RIVERS, JR.
COURTHOUSE SQUARE
252 RUSSELL STREET
POST OFFICE BOX 668
RIDGELAND, SOUTH CAROLINA 29936

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