

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

[In The Supreme Court]

APPEAL FROM LEXINGTON COUNTY

Court of Common Pleas

Thomas Cooper Circuit Court Judge

Case No. 2016-001627

Jamaal Gittens

VS

John Rakowsky

Attention Clerk of Court:

I'm forwarding your administration the affidavit defendant John Rakowsky signed, stating that he never received the services of summons.; the defendant didn't show up in court, attorney Alfred Cox is not a competent fact witness with firsthand knowledge to testify pertaining to whether or not he received the summons "statements of counsel brief or in argument is not sufficient for a summary judgment" Trinsey V Pagliaro 229 F. Supp.647 (1964) see Gonzales v Buist 224 U.S 126,56 L Ed 693,32,S Ct 463 (04/01/12) Dolbear v American Bell telephone company 126 U.S 1,31 L E.D 863,8 S. Ct778 (03/19/88)

I'm sending you conformation that the service of summons was delivered March, 23 2016 at 11:12 am, signed by recipient j Graham; I don't believe his coworkers will hinder him from receiving his mail, not in this line of work.

RECEIVED

MAR 08 2017

SC Court of Appeals

Type or printed notary name

_____ Seal

- Place Notary Signature Above -

My commission expires

_____ Date

Jamaal A Gittens

1206 Marlene Street

Charlotte NC 28208

(704) 975-8173

SENDER COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

John A Rakowsky
 111 Maiden Lane
 Lexington SC 29072



9590 9403 0668 5183 5053 61

2. Article Number (Transfer from service label)

7015 0640 0004 8232 1436

COMPLETE THIS SECTION ON DELIVERY

A. Signature Adult Signature Age 71
 Address

B. Received by (Printed Name) C. Date of Delivery
 S. Graham 3-25

D. Is delivery address different from Item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation
 - Signature Confirmation Restricted Delivery

PS Form 3811, April 2015 PSN 7580-02-000-9053

Domestic Return Receipt

RECEIVED

MAR 08 2017

SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

Jamaal Gittens,

Plaintiff,

vs.

John R. Rakowsky,

Defendant.

IN THE COURT OF COMMON PLEAS

ELEVENTH JUDICIAL CIRCUIT

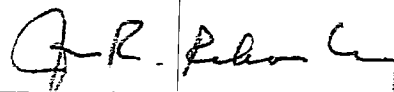
Case No. 2016-CP-32-263

AFFIDAVIT OF JOHN R. RAKOWSKY

PERSONALLY appeared before me Defendant John R. Rakowsky, the undersigned, who, being duly sworn, deposes and states as follows:

1. That he is the named Defendant in the above-referenced action.
2. That he has never been served with the Summons and Complaint in the action.

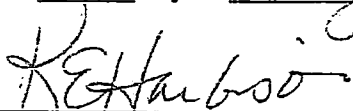
FURTHER AFFIANT SAYETH NOT.



John R. Rakowsky

SWORN TO AND SUBSCRIBED BEFORE ME

this 17th day of May, 2016



Notary Public for South Carolina

My Commission Expires: 7/16/2017

RECEIVED

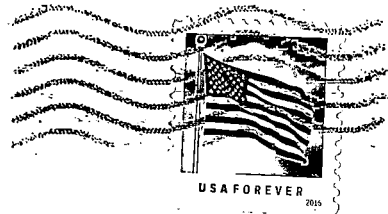
MAR 08 2017

SC Court of Appeals

Jamaal Githens
1206 Marlene Street
Charlotte NC 28208

CHARLOTTE NC 282

06 MAR 2017 PM 6 L



Office of Clerk of Court
SC Court of Appeals
PO BOX 11629
Columbia SC 29211

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SC Court of Appeals

29211-162929

