

ORIGINAL

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

APPEAL FROM HORRY COUNTY
COURT OF COMMON PLEAS

OCT 10 2017

SC Court of Appeals

BENJAMIN H. CULBERTSON, CIRCUIT COURT JUDGE
APPELLATE CASE NO. 2017-001381

RICHARD B. LAMB

APPELLATE

STATE OF SOUTH CAROLINA DMV. RESPONDENT
OFFICE OF GENERAL COUNSEL

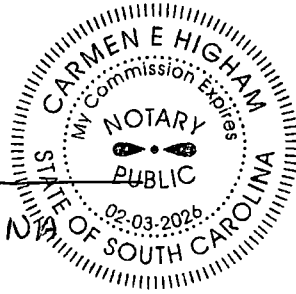
APPELLANTS RETURN/ANSWER TO RESPONDENTS
MOTION FOR LEAVE TO FILE OUT OF TIME ITS
RETURN TO APPELLANTS MOTION TO VACATE
LOWER COURT JUDGEMENT AND MOTION TO
GRANT APPELLANT SUMMARY JUDGEMENT
ORIGINAL RELIEF DEMANDED.

RESPONDENTS SAID MOTION FOR LEAVE TO
FILE OUT OF TIME SHOULD BE DENIED FOR THE
FOLLOWING REASONS, CITATIONS, EXIBITS AND
FACTS. THE FOLLOWING ARE TRUE AND CORRECT.

SWORN TO BEFORE ME THIS
5TH DAY OF OCTOBER 2017

Carmen E. Higham

NOTARY PUBLIC OF SOUTH CAROLINA



MY COMMISSION EXPIRES _____

Richard B. Lamb

AFFIANT

RICHARD B. LAMB
9541 MAISON CT
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PRO SE
843-516-0468

DOUGLAS CHARLES BAXTER
ESQUIRE, SC BAR NO. 6272
P.O. BOX 3646
MYRTLE BEACH, SC 29578
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CITATION #1

APPELLANT HAS COMPLIED WITH RULE 264 SCACR (A) THE ATTORNEYS AND/OR GUARDIANS AD LITEM OF THE RESPECTIVE PARTIES IN THE COURT BELOW SHALL BE DEEMED THE ATTORNEYS AND GUARDIANS OF THE SAME PARTIES IN THE APPELLATE COURT UNTIL WITHDRAWAL IS APPROVED AND NOTICE IS GIVEN AS PROVIDED IN THIS RULE. RESPONDENTS COUNSEL OF RECORD IN THE LOWER COURT IS

DOUGLAS C. BAXTER, ESQUIRE

P.O. BOX 3646 MYRTLE BEACH, SC 29578

THERE HAS BEEN NO MOTIONS SUBMITTED AS PER RULE 264 SCACR (B) WITHDRAWAL NOR HAS THE COURT ISSUED ANY ORDERS REGARDING RESPONDENTS COUNSEL.

PROOF OF SERVICE OF APPELLATES MOTION SERVED ON 8-31-2017 AND ACCEPTANCE BY RESPONDENT ATTACHED TO THIS RETURN.

FUTHERMORE RULE 265 SCACR (C) SUBSTITUTION OF PARTIES HAS NOT BEEN COMPLIED WITH.

CITATION #2

RESPONDENTS HAVE ALREADY RECEIVED AN EXTENSION OF TIME BY ORDER OF THE SOUTH CAROLINA SUPREME COURT ORDER ISSUED ON 9-14-2017 TITLED HURRICANE IRMA GRANTING 4 DAYS AS HOLIDAYS FOR THE PURPOSE OF RULE 263 SCACR. SEE ORDER ATTACHED.

CITATION #3

RESPONDENTS HAVE FAILED TO COMPLY WITH RULE 240 SCACR A SECOND TIME. APPELLANT SERVED RESPONDENTS A THIRD MOTION ON 9-14-2017 TITLED MOTION TO IMMEDIATELY GRANT MOTION TO VACATE LOWER COURT JUDGEMENT AND MOTION TO GRANT APPELLATE SUMMARY JUDGEMENT ORIGINAL RELIEF DEMANDED. NO RETURN TO THIS MOTION FILED BY RESPONDENTS.

CITATION #4

RESPONDENTS HAVE OPENED THE ISSUE OF TIME, AND APPELLANT STRONGLY OBJECTS TO ADDITIONAL TIME. THEIR MOTION FOR MORE TIME COMES 30 DAYS AFTER SERVICE OF ORIGINAL MOTION 3 TIMES THE ALLOTTED TIME BY APPELLATE COURT RULES.

CITATION #5

RESPONDENTS HAVE NEVER IN REGARDS TO ISSUES OF TIME AFFORDED APPELLANT EVEN THE STATUTORY MANDATED LAW OF 20 WORKING DAYS NOTICE BEFORE TAKING ADVERSE ACTION OF SUSPENDING SOUTH CAROLINA DRIVERS LICENSE INDEFINATELY AND REQUIRING A 425.00 FINE WHEN NEVER CHARGED AND NEVER CONVICTED OF A CRIME. RESPONDENT INACTED THIS SUSPENSION ON ONLY 13 WORKING DAYS NOTICE DENYING DUE PROCESS AND BEGINNING A SHAM LEGAL PROCESS. APPELLANT MOTIONS SERVED ON RESPONDENTS ON 8-31-2017 ALONG WITH IT'S EXHIBITS 1 THRU 12 CLEARLY INDICATE RESPONDENTS DISREGARD FOR STATUTORY LAW AND JUDICIAL RULE TIME LIMITS.

APPELLANT STRONGLY OBJECTS TO, AND WITH THE UTMOST RESPECT FOR THIS HONORABLE COURT URGES IT TO DENY RESPONDENTS MOTION FOR LEAVE TO FILE OUT OF TIME ITS RETURN TO APPELLANTS MOTION TO VACATE LOWER COURT JUDGEMENT AND MOTION TO GRANT APPELLANT SUMMARY JUDGEMENT ORIGINAL RELIEF DEMANDED, AND APPLY RULE 240 SCACR (E) FAILURE OF A PARTY TO TIMELY FILE A RETURN MAY BE DEEMED A CONSENT BY THAT PARTY TO THE RELIEF SOUGHT IN THE MOTION OR PETITION.

Richard B. Lamb

OCT. 5, 2017

RICHARD B. LAMB
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CITATION 1

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 P.O. BOX 3646
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Postmark Here: 08/31/2017

PS Form 3811, April 2015 PSN 7530-02-000-9053 See Reverse for Instructions

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OCT 10 2017
SC Court of Appeals

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<ul style="list-style-type: none"> 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. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Hector</u> C. Date of Delivery <u>9-6-17</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p>DOUGLAS C. BAXTER P.O. BOX 3646 MYRTLE BEACH, SC 29578</p> <p>9590 9402 2912 7094 8919 87</p> <p>117 1450 0001 2397 0072</p>	<p>3. Service Type:</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>
PS Form 3811, July 2015 PSN 7530-02-000-9053	Domestic Return Receipt

2017-09-14-03

The Supreme Court of South Carolina

RE: Hurricane Irma

ORDER

On Friday, September 8, 2017, the Governor of South Carolina issued orders requiring the evacuation of certain barrier islands in Beaufort, Colleton and Jasper Counties in response to the approach of Hurricane Irma. Further, as a result of Hurricane Irma, state and county offices in six counties were closed on Friday, September 8, 2017. Twenty-four of the forty-six counties were closed on Monday, September 11, 2017, and the state and county offices in eleven counties remained closed on Tuesday, September 12, 2017. State and county offices were not open in all counties until Wednesday, September 13, 2017.

In addition to the mandatory evacuations mentioned above, many of the citizens of South Carolina voluntarily evacuated their homes as Hurricane Irma approached. While the harm to other states has been far more severe, Hurricane Irma did cause significant damage and disruption in South Carolina.

In light of the foregoing, this Court finds that Hurricane Irma adversely affected the ability of many lawyers and litigants to comply with deadlines in court proceedings. Accordingly, this Court finds it appropriate to declare the days of Friday, September 8, 2017, Monday, September 11, 2017, Tuesday, September 12, 2017, and Wednesday, September 13, 2017, to be statewide "holidays" for the purpose of Rule 263 of the South Carolina Appellate Court Rules, Rule 6 of the South Carolina Rules Civil Procedure, Rule 35 of the South Carolina Rules of Criminal Procedure, and Rule 3 of the South Carolina Rules of Magistrates Court.

s/Donald W. Beatty C.J.

s/John W. Kittredge J.

s/Kaye G. Hearn J.

s/John Cannon Few J.

s/George C. James, Jr. J.

Columbia, South Carolina
September 14, 2017

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AFFIDAVIT OF MAILING

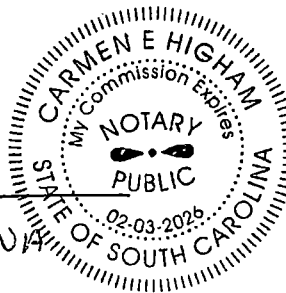
PERSONALLY APPEARED RICHARD B. LAMB WHO
STATES THAT HE SERVED THE RESPONDENTS WITH
A COPY OF THE RETURN / ANSWER TO RESPONDENTS
MOTION FOR LEAVE TO FILE OUT OF TIME IT'S RETURN
TO APPELLANTS MOTION TO VACATE LOWER COURT
JUDGEMENT AND MOTION TO GRANT APPELLANT
SUMMARY JUDGEMENT ORIGINAL RELIEF
DEMANDED BY MAILING FIRST CLASS MAIL
CERTIFIED RETURN RECEIPT IN THE UNITED STATES
MAIL WITH PROPER POSTAGE ATTACHED ON 10-5-17
ON ADDRESSED AS FOLLOWS: DOUGLAS C. BAXTER
ESQUIRE, SC BAR NO. 6272, P.O. BOX 3646
MYRTLE BEACH, SC 29578

P. 7

SWORN TO BEFORE ME THIS
5TH DAY OF OCTOBER 2017

Carmen E. Higham

NOTARY PUBLIC OF SOUTH CAROLINA



MY COMMISSION EXPIRES _____

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P. 8

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FROM: RICHARD B. LAMB
9541 MAISON CT,
MYRTLE BEACH, SC 29572

TO:
SOUTH CAROLINA COURT OF APPEALS
HONORABLE JENNY ABBOTT KITCHINGS
P.O. BOX 11629
COLUMBIA, SC 29211

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SC Court of Appeals