THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Family Court

Michael Holt, Family Court Judge

Case No. 2011-DR-26-001135

Appellate Case No. 2017-001894

Deborah A. Frye, Plaintiff,

Of Whom Deborah A. Frye is the..... Respondent,

v.

Jackey R. Frye, Defendants,

Of Which Jackey R. Frye. is the..... Appellant.

INITIAL BRIEF OF APPELLANT

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STATEMENT OF THE CASE

On May 4, 2011, the Respondent filed a Summons and Complaint for Separate Support and Maintenance, and on June 9, 2011 a Final Order, which incorporated a Separation and Property Settlement Agreement, was filed. On February 11, 2015, the Appellant filed a Petition in Support of a Rule to Show Cause in which he alleged that the Respondent had violated three previsions of the Final Order. A hearing on the Petition and Rule was held on April 22, 2015. Prior to the conclusion of the hearing, the Trial Judge, the Honorable Jan Bromell Holmes, concluded that there was not enough time to finish the testimony and continued the hearing for a later date. No Final Order was issued by Judge Holmes. On July 15, 2015, the Respondent filed a Motion to Dismiss for Failure to Prosecute pursuant to Rule 41 of the South Carolina Rules of Civil Procedure. The Motion for Failure to Prosecute was heard on January 11, 2016 by the Honorable Michael S. Holt, Family Court Judge. On April 13, 2016 an order was signed by Judge Holt dismissing the Appellant's case with prejudice and awarding attorneys' fees to the Appellant in the amount of fifteen-thousand two hundred ninety-eight dollars and sixty-three cents ($15,298.63). On April 29, 2016 the Appellant timely filed an Motion for Reconsideration. On August 17, 2017 the Court issued its ruling by its Order dated August 17, 2017 denying the Appellant's Motion for Reconsideration. This appeal ensued.

FACTS

On February 11, 2015, the Appellant filed a Petition in Support of a Rule to Show Cause in which he alleged that the Respondent had violated three previsions of the Final Order. A hearing on the Petition and Rule was held on April 22, 2015. At the call of the case, the Appellant was present to testify along with another witness. Prior to the taking of any

meaningful testimony the Trial Judge made the following statement "I'm dismissing the Rule as it pertains to those first two items. . . And I will allow your client to proceed on the Molestation or Interference." (Trial Tr. p. 8). The Appellant provided testimony in support of the Petition and Rule. At the conclusion of the Appellant's testimony, the Trial Judge concluded that there was insufficient time in which to hear the remaining witness. The Court stated to the attorneys at trial "We're going to have to find additional time to complete this Rule." (Trial Tr. p. 64). Finally, the Trial Judge the Court stated "All right. This matter is continued." (Trial Tr. p. 68). An Order continuing the case was subsequently mailed to the Judge and was signed by the Trial Judge. The Order was filed on the date of hearing. No evidence by way of exhibits were introduced into evidence.

On July 15, 2015 the Respondent filed a Motion to Dismiss the action pursuant to Rule 41(b) of the South Carolina Rules of Civil Procedure. Additionally, the Appellant moved for an award of attorney's fees and costs pursuant to Rule 11, of the South Carolina Rules of Civil Procedure. At the motion hearing, no evidence or exhibits were introduced into evidence although arguments from counsel were made.

ARGUMENTS

I. THE TRIAL COURT ERRED IN GRANTING A MOTION TO DISMISS THE APPELLANT'S CASE PURSUANT TO RULE 41 OF THE SOUTH CAROLINA RULES OF CIVIL PROCEDURE WHEN THE CASE WAS PARTIALLY TRIED AND CONTINUED BY THE INITIAL TRIAL JUDGE

South Carolina Courts have routinely held that once a trial of a case has begun, the granting of a motion for voluntary nonsuit is within the discretion of the trial judge. Marlow v. Marlow, 284 S.C. 155, 325 S.E. 2d 703 (S.C. App. 1984); Cunningham v. Independence Ins.

Co., 182 S.C. 520, 189 800 (1937); Armitage v. Seaboard Air Line Ry Co., 182 S.C. 520, 189 S.E. 800 (1937). In the Marlow case, an action was filed for an implied easement and a trial ensued. After hearing the facts and reviewing the evidence presented, the Court took the case under advisement. During the time the trial was taken under advisement, one party obtained a voluntary nonsuit from another Circuit Judge. The Court ultimately held that because the trial of the case had commenced, only the trial judge, in his or her discretion could dismiss the action.

In the present matter, the Appellant, was properly before the court and was in the middle of taking testimony on his Petition and Rule. The case was continued due to insufficient time to finish the testimony, and the case was continued by the trial judge to be rescheduled at a later date. It is important to note that there was no finality to the hearing, and there was no Final Order issued by the Court, including the Court's finding that the first two items that the Court stated were not properly before the Court.

There is good reason that this rule should be followed in the present case. In the present action, the Court has dismissed a case in the middle of testimony. By dismissing the case without an Order from the trial judge, this Court has prejudiced the Appellant by extinguishing any rights to an appeal from the initial hearing. Additionally, the case was in the middle of being heard by one judge who could have come to a different determination on all issues prior to the completion of the hearing, and until an Order is signed by a Judge, the Judge has to ability to change his or her mind on the ruling.

II. THE TRIAL COURT'S AWARD OF ATTORNEY'S FEES WAS IMPROPER DUE TO INSUFFICIENT EVIDENCE TO SUPPORT AN AWARD OF ATTORNEY'S FEES.

The Supreme Court has provided the appropriate procedure to object to an award of attorney's fees in Family Court and has laid out the appropriate procedures and steps to follow to properly obtain an award of attorneys' fees.

Our Supreme Court has provided guidance regarding the determining the reasonableness of an award of attorneys' fees in South Carolina Family Court. The Court, in Glasscock v. Glasscock, 304 S.C.158, 403 S.E.2d. 313 (1991), found six factors for the Court to use in determining a reasonable attorneys' fee: (1) the nature, extent, and difficulty of the case; (2) the time necessarily devoted to the case; (3) professional standing of counsel; (4) contingency of compensation; (5) beneficial results obtained; and (6) customary legal fees for similar services. Additionally, our courts have provided additional guidelines in which to follow in E.D.M v. T.A.M., 307 S.C. 471, 415 S.E.2d 812 (1992). The Supreme Court opined that the following factors should be considered: (1) the party's ability to pay his/her own attorney's fee; (2) beneficial results obtained by the attorney; (3) the parties' respective financial condition; and (4) effect of the attorney's fee on each party's standard of living. E.D.M. page 816.

The Appellant's Motion for Reconsideration pursuant to Rule 59(e) was a proper objection to the attorney's fees as our Supreme Court has held in its decision of Buist v. Buist, 410 S.C. 569, 766 S.E.2d 381, (2014). The Court in its Order denying the Appellant's motion made an attempt to address the Glasscock factors by making findings of fact regarding specific factors. (Order Denying Defendant's Motion for Reconsideration filed September 1, 2017) The Court's reliance on setting out the Glasscock factors supports the conclusion that the Court was issuing attorney's fees pursuant to its powers under the Family Court Statute S.C. Code Annotated §63-3-530(A)(38) (1976 as ameneded).

The record is void of any facts in which the Court could award attorneys' fees and costs pursuant to its statutory powers. The affidavit supporting such fees to the Court merely contained assertions of the time expended on the case and the total costs that the Respondent had incurred. Secondly, the affidavit was not introduced as evidence into the hearing but was merely attached to the motion filed by the Respondent. The sole assertion made by counsel during the hearing regarding attorney's fees was made by Respondent's counsel when he stated "And number two: That the Court Order Ms. Frye's attorneys' fees accrued so far which are approximately $20,000 at this stage." (Hearing Transcript p. 10 lines 20-23). Regardless of whether or not the affidavit was properly submitted, which the Appellant denies, the affidavit merely stated the amount of time expended in the case and no other findings were submitted to the Court.

The record does not contain any evidence that it addressed the E.D.M. factors and the only Glasscock factors addressed were the actual time expended in the case, only if the submission of an affidavit to a motion is considered proper, which Appellant denies. The only other fact supporting the Court's award of fees is Judge Holt's claim that "Judge Bromell Holmes determined that Defendant's allegations as to two of the three provisions of the Final Order were not properly before the Court." (Order Dismissing Defendant's Rule to Show Cause For Failure to Prosecute Pursuant to Rule 41, SCRP filed April 13, 2016 p. 2 π12 and Order Denying Defendant's Motion for Reconsideration filed September 1, 2017 p.2 π12).

The reliance on the supposed dismissal of the first two parts of the original Petition and Rule to Show Cause were not proper due to the fact that an Order dismissing these allegations were not entered into a written Order, signed by the Judge, filed and served on the parties.

"Ordinarily a judgment should be entered on the basis of a decision in writing, and may not be predicated merely on the opinion, oral direction or unsigned memorandum of the Court, 49 C.J.S. Judgments § 45, p.107 Cited by Case v. Case 243 S.C. 447, 134 S.E.2d 394 (1964). The Court in Case went on to hold that "The rendition of judgment is the judicial act of the Court and the mode and sufficiency of rendering judgment is controlled by the statute."

In the facts in Case, the final hearing had concluded and the Trial Judge had orally granted a divorce to one of the parties; however, after the oral order and prior to the issuance of a written Order, the moving party dismissed the action. In this case, the Supreme Court went on to hold that in South Carolina "The decree must be in writing and until such time the Judge may modify, amend, or rescind such an oral Order." Case page 396. Our Courts have also held that an order is not final until it is written and entered by the clerk of court. First Union National Bank of South Carolina v. Hitman, Inc., 306 S.C. 327, 411 S.E.2d 681 (Ct. App.1991), aff'd, 308 S.C. 421, 418 S.E.2d 545 (1992). Until an order is written and entered by the Clerk of Court, the judge retains discretion to change his mind and amend his ruling accordingly. *Id.* In Bayne v. Bass, 302 S.C. 208, 394 S.E.2d 726 (Ct.App.1990), this court stated as follows:

Until the paper has been delivered by the judge to the clerk of court, to be filed by him as an order in the case, it is subject to the control of the judge, and may by him be withdrawn at any time before such delivery.... `A judgment is the final determination of the rights of the parties in an action. *While the written instrument purporting to be the judgment in a cause remains in the possession of the judge who is to pronounce it, it is of no effect,* and like a deed not delivered. * * *' Even if as contended by defendant the trial Judge granted an oral divorce to plaintiff such pronouncement *is not a final ruling on the merits nor is it binding on the parties until it has been reduced to writing, signed by the Judge and delivered for recordation.* The Decree must be in writing and until such time the Judge may modify, amend or rescind such an oral Order. 302 S.C. at 209-210, 394 S.E.2d at 727 (Ct.App.1990) (citation omitted) (quoting Archer v. Long, 46 S.C. 292, 24 S.E. 83 (1896)) (emphasis added).

Our Supreme Court has held in Christy v. Christy, 354 S.C. 203, 580 S.E.2d. 444 (2003) that a new trial is required when the trial judge who heard a nonjury matter dies or becomes incapacitated before the filing of a signed order containing findings of fact and conclusions of law if the trial judge dies or becomes incapacitated. Christy page 444. In the Christy case, Family Court Judge Black heard the first part of a bifurcated case, but prior to signing an order became incapacitated. Judge Segars Andrews, who had succeeded Judge Black, denied a motion for a new trial and later signed an order, based in part on a draft order submitted to Judge Black, finding there was no common law marriage. The Supreme Court followed the principle of law that states "Until the paper has been delivered by the judge to the clerk of court, to be filed by him as an order in the case, it is subject to the control of the judge, and may be withdrawn at any time before such delivery." Christy page 445, citing Archer v. Long, 46 S.C. 292, 24 S.E. 83 (1896).

In this appeal, the Court relied on the oral instructions of the initial trial judge during the trial in based upon the following statement "I'm dismissing the Rule as it pertains to those first two items." (Trial Transcript p. 13). As it is undisputed that no written order has been entered into by the Trial Court, Judge Holt's reliance on the dismissal of the "first two items" was not based upon a proper finding of fact of the initial Court. Accordingly, there were no facts that supported the Courts finding that the "first two items" where not properly before the Court which gave rise to the findings of the award of attorneys' fees.

Accordingly, the order awarding attorneys' fees and costs to the Respondent should be overturned.

III. THE TRIAL COURT'S FINDING OF A VIOLATION OF RULE 11, IF ANY, WAS NOT SUPPORTED BY THE EVIDENCE PRESENTED TO THE COURT NOR DID THE COURT DESCRIBE THE CONDUCT DETERMINED TO CONSTITUTE A VIOLATION OF THE RULE AND EXPLANING THE BASIS OF THE SANCTION

If the Court made a finding that Rule 11 has been violated in its Order, the Court should describe the conduct determined to constitute a violation of the Rule and explain the basis for the sanction imposed. Runyon v. Wright, 322 S.C. 15, 471 S.E. 2d 160 (1996). This Court went on to say that "An abuse of discretion may be found if the conclusions reached are without reasonable factual support." Runyon at 162.

The Court, in its Order, states that "because two of Defendant's claims were frivolous, not properly before the Court, and not prosecuted by the Defendant, this Court may and hereby does award attorney's fees and costs to Plaintiff in the amount of Fifteen Thousand Two Hundred and Ninety-Eight and 63/100 ($15,298.63) Dollars." (Order Dismissing Defendant's Rule to Show Cause For Failure to Prosecute Pursuant to Rule 41 filed April 13, 2016) Therefore, the entire basis of the Court's ruling for attorney's fees and costs under Rule 11, if that is how the Court awarded sanctions and fees, was based upon the supposed dismissal of the first two claims of the Appellant's initial Petition and Rule to Show Cause on April 22, 2015. However, the hearing on April 22, 2015 was continued, and there was never a written order issued by the Trial Judge dismissing the first two alleged violations as contained in the Petition and Rule to Show Cause.

"Ordinarily a judgment should be entered on the basis of a decision in writing, and may not be predicated merely on the opinion, oral direction or unsigned memorandum of the Court, 49 C.J.S. Judgments § 45, p.107 Cited by Case v. Case 243 S.C. 447, 134 S.E.2d 394 (1964).

The Court in Case went on to hold that "The rendition of judgment is the judicial act of the Court and the mode and sufficiency of rendering judgment is controlled by the statute."

In the facts in Case, the final hearing had concluded and the Trial Judge had orally granted a divorce to one of the parties, however, after the oral order and prior to the issuance of a written Order, the moving party dismissed the action. The Supreme Court in this case went on to hold that in South Carolina "The decree must be in writing and until such time the Judge may modify, amend, or rescind such an oral Order." Case page 396. Our Courts have also held that an order is not final until it is written and entered by the clerk of court. First Union National Bank of South Carolina v. Hitman, Inc., 306 S.C. 327, 411 S.E.2d 681 (Ct. App.1991), aff'd, 308 S.C. 421, 418 S.E.2d 545 (1992). Until an order is written and entered by the Clerk of Court, the judge retains discretion to change his mind and amend his ruling accordingly. *Id.* In Bayne v. Bass, 302 S.C. 208, 394 S.E.2d 726 (Ct.App.1990), this court stated as follows:

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Family Court Judge Black heard the first part of a bifurcated case, but prior to signing an order became incapacitated. Judge Segars Andrews, who had succeeded Judge Black, denied a motion for a new trial and later signed an order, based in part on a draft order submitted to Judge Black, finding there was no common law marriage. The Supreme Court followed the principle of law that states "Until the paper has been delivered by the judge to the clerk of court, to be filed by him as an order in the case, it is subject to the control of the judge, and may be withdrawn at any time before such delivery." Christy page 445, citing Archer v. Long, 46 S.C. 292, 24 S.E. 83 (1896).

While the judge in this case is not incapacitated, the same analysis should be applied and any findings of facts or conclusions of law must be submitted to a written order delivered to the clerk prior to the Court in the present action prior to a subsequent Judge being able to rely on the same findings of facts and conclusions of law.

The Court in this appeal, relied on the oral assertions of the judge during the trial in which the initial trial Court made the following statement "I'm dismissing the Rule as it pertains to those first two items." (Trial Transcript p. 13). As it is undisputed that no written order having been entered into by the Trial Court, Judge Holt's reliance on the dismissal of the "first two items" was not based upon a proper finding of fact and conclusion of law. If there is no Order there can be no finality to the first hearing.

Accordingly, there were no facts that supported the Courts finding the "first two items" where not properly before the Court and frivolous. Accordingly the award of attorneys' fees pursuant to Rule 11, if it the Court made such a ruling, should be reversed.

IV. THE COURT COMMITTED AN ABUSE OF DISCRETION BY DISMISSING THE APPELLANT'S CLAIMS FOR FAILURE TO PROSECUTE UNDER RULE 41(b) OF THE SOUTH CAROLINA RULES OF CIVIL PROCEDURE.

The South Carolina Supreme Court has set forth the appropriate standard of review to be applied to this appeal. In Small v. Mungo, 254 S.C. 438, 175 S.E. 2d. 802 (1970), the Court opined that "The question of whether an action should be dismissed for failure to prosecute is left to the discretion of judge and his decision will not be disturbed excet upon a clear showing of abuse of discretion." Id. at 442; see also Bond v. Corbin, 68 S.C. 294, 296, 47 S.E.2d 374, 375 (1904).

The South Carolina Court of Appeals has addressed the issue of the dismissal of an action for failure to prosecute in McComas v. Ross, 368 S.C. 59, 626 S.E.2d 902 (Ct of App 2006). In McComas, the Court identified the use of an ***"unreasonable neglect"*** standard in determining whether or not an action should be dismissed for failure to prosecute. Additionally, the Court adopted application to the Fourth Circuit standard for a trial court to consider dismissing a case for failure to prosecute.

In its analysis in McComas, the Court reviewed numerous South Carolina cases to address what factors the Court should consider prior to dismissing a case for failure to prosecute. The first case that the Court of Appeals addressed in McComas was the Supreme Court's decision in Don Shevey & Spires, Inc. v. Am. Motors Realty Corp., 279 S.C. 58, 60, 301 S.E.2d 757, 758 (1983). In this case, the Appellant served a summons, respondents timely demanded a complaint, and Appellant requested and was granted an extension of time. Appellant then delayed fifteen (15) months in filing the summons, despite S.C. Code Ann. § 15-9-1000 (1976) and S.C. Cir. Ct. R. 26, the applicable statute and rule at the time, which then required that all pleadings be filed within ten (10) days after service. Appellant's present counsel admitted he knew of no valid excuse for

previous counsel's failure to file. A complaint was finally served twenty (20) months after service of the summons and respondents removed the case to Federal Court, but it was later remanded for lack of diversity. Appellant could not reinstitute the action because the statute of limitations had run and contended that the trial court erred in dismissing the action. On appeal, the Court stated that Appellant had the burden of prosecuting its action and the trial court could dismiss the action for unreasonable neglect in proceeding with the cause. The Court, rejecting Appellant's contention, stated that it would be anomalous to require respondents to force or encourage Appellant to proceed with its suit. *Id.* at 757.

The Supreme Court in Don Shevey relied on the previous holdings of the Supreme Court that held "The plaintiff has the burden of prosecuting his action, and the trial court may properly dismiss an action for plaintiff's unreasonable neglect in proceeding with his cause." Thomas & Howard Company v. Fowler, et al., 238 S.C. 46, 119 S.E. (2d) 97 (1961); Small v. Mungo, 254 S.C. 438, 175 S.E. (2d) 802 (1970).

The Court in *McComas* further held that in the cases where the Supreme Court affirmed the dismissal of cases for failure to prosecute, the dismissals were imposed to maintain the orderly disposition of cases in the face of repeated warnings to the offending party or multiple opportunities to proceed with trial, and only then upon a finding of unreasonable neglect. See Small at 804. (finding no abuse of discretion where counsel was apparently in his office and plaintiff and witnesses were at work when the case was called for trial, and counsel informed the court that he could not appear for hours); Bond v. Corbin, 68 S.C. 294, 294-95, 47 S.E. 374, 374 (1904). In granting dismissal for failure to prosecute, there must be some showing of indifference to the rights of the defendant. E.g., Orlando v. Boyd, 320 S.C. 509, 511, 466 S.E.2d 353, 355

(1996) (holding that precluding a witness from testifying was an abuse of discretion without a showing of willful disobedience when exclusion amounted to a judgment of default or dismissal).

This Court in McComas also addressed the applicable Federal Court standard that has been adopted by the Fourth Circuit Court of Appeals. The Court in McComas held that, "Our Fourth Circuit Court of Appeals has also addressed this issue. The Court in McCargo v. Hedrick, 545 F.2d 393, 396 (4th Cir. 1976) held that dismissal is a harsh sanction, which should be resorted to only in extreme cases. Dismissal is generally permitted only in the face of a clear record of delay or contumacious conduct by the plaintiff. *Id.* The discretion should be exercised discreetly and only after due consideration of the availability of sanctions less severe than dismissal. *Id.*; Bush v. U.S. Postal Serv., 496 F.2d 42, 44 (4th Cir. 1974). The Fourth Circuit has said the trial court must consider four (4) factors before dismissing a case for failure to prosecute: (1) the plaintiff's degree of personal responsibility; (2) the amount of prejudice caused the defendant; (3) the presence of a drawn out history of deliberately proceeding in a dilatory fashion; and (4) the effectiveness of sanctions less drastic than dismissal. Hillig v. Comm'r of Internal Revenue, 916 F.2d 171, 174 (4th Cir. 1990). See also Herbert v. Saffell, 877 F.2d 267, 270 (4th Cir. 1989) and Chandler Leasing Corp. v. Lopez, 669 F.2d 919, 920 (4th Cir. 1982).

The Court in McComas in its analysis of the facts to that particular case utilized the unreasonable neglect standard as well as the federal standard in its decision. The Court found that the Appellant had spent many months engaged in discovery and was delayed in her appearance to Court. Additionally, the Court found that MComas did not have a history of requesting continuances or abusing Court rules to evidence a clear record of delay and contemptuous conduct, as required by the federal cases involving dismissal. *Id. at 905.*

The particular facts in this case demonstrate that the Appellant had filed his Petition and Rule to Show Cause and had in fact attended trial and had actually testified, but due to time limitations, the Court continued the case to be finished at a later time.

Under the facts of this case, dismissal of the Appellant's claims were too harsh based upon the conduct of the Appellant. This Court as well as the Supreme Court has previously held that the unreasonable neglect standard should be applied to dismissals for failure to prosecute. The record is absent any findings that the Appellant had any history of stalling or conduct that would indicate that the Appellant was dilatory in taking his case to trial, much less repeated offenses.

Application of the four-pronged federal standard yields the same result when taking into consideration the totality of the facts. The first prong is the Appellant's degree of personal responsibility. The Appellant appeared at the initial hearing and began the testimony and taking evidence to prosecute his Petition and Rule to Show Cause.

Next, the Court should look at the amount of prejudice caused the Defendant. The record is also void of any findings that the Defendant would have been prejudiced in any way inasmuch as the case had already started and continued.

The next factor to consider is whether or not there has been the presence of a drawn out history of deliberately proceeding in a dilatory fashion. This factor is similar to the standards set forth by South Carolina case law. There is no evidence that the Appellant had delayed proceeding with the case. The record is absent any findings that Appellant was attempting to avoid, delay or hinder the case progression in any way.

The last factor to consider is the effectiveness of sanctions less drastic than dismissal. In this regard, the Court had the opportunity to assess reasonable sanction within the discretion of the Court.

CONCLUSION

The rulings of the Court in its Order Dismissing Defendants' Rule to Show Cause for Failure to Prosecute Pursuant to Rule 41 and subsequent Order Denying Defendant's Motion for Reconsideration should be overturned on the numerous stated grounds. First, it was improper for Judge Holt to rule on a motion for dismissal when the trial of the case was pending before another Family Court Judge. Secondly, Judge Holt's reliance on statements made by Judge Holmes in the case that was previously continued and without a final order was reversible error inasmuch as he relied on findings of fact and conclusions of law that were not reduced to a final written Order. Additionally, Judge Holt's reliance on the dismissal of claims from a Summons and Petition for a Rule to Show cause the for issuance of Rule 11 sanctions, if applicable, was again based upon facts that were not properly put before the Court and amount to reversible error. Finally, even if this matter was properly before the court and based upon competent evidence, which, Appellant deny, the dismissal of the case with prejudice amounted to an abuse of discretion.

For the foregoing reasons, Appellant is requesting that the Orders of the Honorable Michael S. Holt be reversed and that the matter be remanded back to the initial trial judge, the Honorable Jan Bromell Holmes, to complete the trial of this case.

Respectfully Submitted,

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October 23, 2017

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October 23, 2017

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

Re: Deborah A. Frye vs. Jackey R. Frye
Appellate Case No: 2017-001894

Dear Sir/Madam:

Please find enclosed an original and one copy of Initial Brief of Appellant, Designation of Matter and Certificate of Service for filing with your Court.

By copy of this letter I am serving counsel for the Respondent.

Please file the originals with your Court and return endorsed copies to this office in the enclosed prepared envelope.

With kindest regards, I remain

~~Kindest~~ Regards,

Robert W. Maring

Enclosures

cc: Jackey R. Frye
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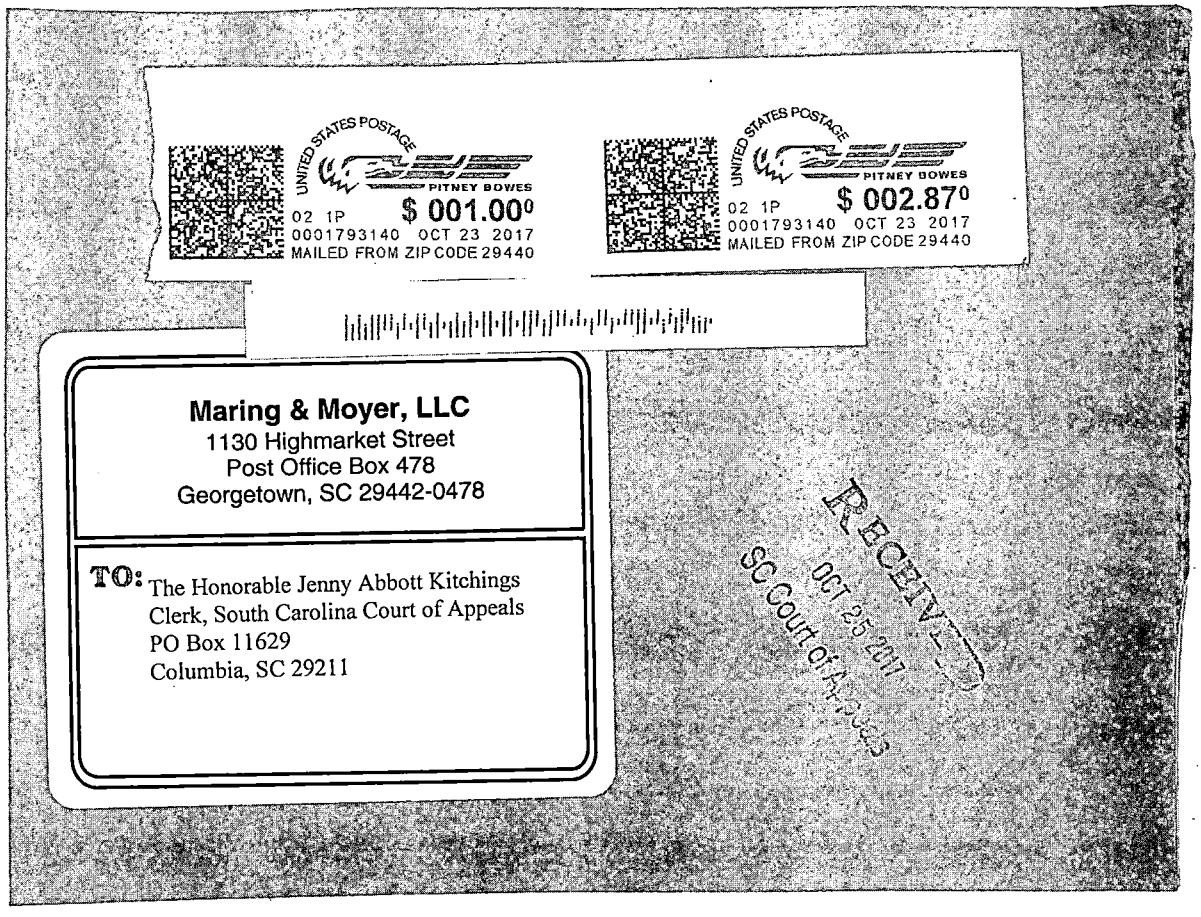
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