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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

RECEIVED

NOV 13 2017

SC Court of Appeals

Appellate Case No.: 2017-002181

The Honorable G. Thomas Cooper, Jr.  
Richland County  
Trial Court Case No.: 2016CP4005001

Tina Bessinger.....Appellant,

v.

LongCreek Plantation Property Owners Association, Inc.,  
LongCreek Development, LLC, Fairways Development, LLC,  
Advantage Services, Inc. and Halcyon Real Estate Services,  
LLC.....Respondent.

**APPELLANT'S MOTION TO REINSTATE APPEAL**

This Motion is filed pursuant to Rule 260 of the South Carolina Appellate Court Rules. This appeal was dismissed by Order received by Appellant's counsel on November 13, 2017 for Appellant's failure to provide proof of filing of the Notice of Appeal with the lower court. This Motion seeks the reinstatement of the Appeal, for good cause shown, as Appellant did in fact previously file the Notice of Appeal with the lower court on October 24, 2017 in accordance with the Court of Appeal's letter directive. See Exhibit A attached hereto. However, this filing with the lower court was inadvertently not filed with the Court of Appeals. Appellant's Counsel's office was under the belief that the Court of Appeals had in fact been copied on that correspondence and filing, but in fact it was not. See Affidavit of M. Rock attached hereto as Exhibit B.

Substantial justice would be served by the disposition of this appeal on the merits, and no party has been prejudiced by this oversight in filing/service as all parties were served with the prior filing of the Notice of Appeal with the lower court. See Exhibit A.

In the interim Appellant had also taken other steps to advance her appeal based upon this belief (i.e. request of the hearing transcript, etc.). Appellant's counsel is ensuring that the Proof of Filing with the lower court is being filed with the Court of Appeals contemporaneously herewith. Appellant respectfully requests reinstatement of her appeal.

A handwritten signature in black ink, appearing to read 'W. Padget', is written over a horizontal line.

William R. Padget (SC Bar #72579)  
Carl D. Hiller (SC Bar #101242)  
FINKEL LAW FIRM LLC  
1201 Main Street, Suite 1800  
P.O. Box 1799 (29202)  
Columbia, South Carolina 29201  
T: 803-765-2935  
*Attorneys for Appellant*

November 13, 2017  
Columbia, South Carolina



COPY

Carl D. Hiller, Esquire  
chiller@finkellaw.com

Reply to Columbia Office

October 24, 2017

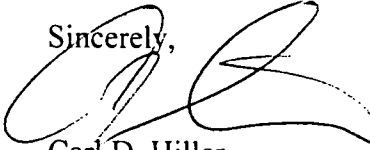
**VIA HAND DELIVERY**

Honorable Jeanette W. McBride  
P.O. Box 2766  
Columbia, SC 29202

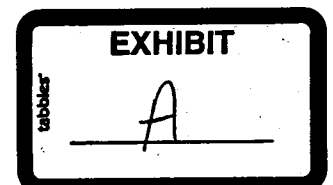
RE: Tina Bessinger vs. LongCreek Plantation Property Owners Association, Inc.,  
Halcyon Real Estate Services, LLC, Fairways Development, LLC and Advantage  
Services, Inc.  
Case No.: 2016-CP-40-05001  
Our File No.: 77200-50034

Dear Ms. McBride:

Enclosed for filing is a Notice of Appeal in the above matter.

Sincerely,  
  
Carl D. Hiller  
Attorney for Appellant

cc: Karl S. Brehmer, Esq. (ltr only)  
Anthony W. Livoti, Esq. (ltr only)  
Mark S. Barrow, Esq. (ltr only)  
Brandon R. Gottschall, Esq. (ltr only)



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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

G. Thomas Cooper, Jr., Circuit Court Judge

Case No. 2016-CP-40-05001

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OCT 19 2017

SC Court of Appeals

Tina Bessinger.....Appellant,

v.

LongCreek Plantation Property  
Owners Association, Inc.,  
Halcyon Real Estate Services, LLC,  
Fairways Development, LLC, and  
Advantage Services, Inc.....

Respondents.

RICHLAND COUNTY  
FILED  
11 OCT 24 PM 2:51  
ANNETTE W. MORGAN  
C.C.P. & C.S.

NOTICE OF APPEAL

Tina Bessinger appeals the three (3) attached orders of the Honorable G. Thomas Cooper, Jr., dated September 22, 2017 granting summary judgment as to all claims against Respondents. Appellant received written notice of entry of these Orders on October 4, 2017 and October 17, 2017.

William R. Padget (SC Bar #72579)  
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*Attorneys for Appellant*

October 19, 2017  
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

Appellate Case No.: 2017-002181

The Honorable G. Thomas Cooper, Jr.  
Richland County  
Trial Court Case No.: 2016CP4005001

Tina Bessinger.....Appellant,

v.

LongCreek Plantation Property Owners Association, Inc.,  
LongCreek Development, LLC, Fairways Development, LLC,  
Advantage Services, Inc. and Halcyon Real Estate Services,  
LLC,.....Respondent.

**AFFIDAVIT OF MARGARET ROCK**

I, Margaret Rock, hereby swear and/or affirm and state as follows: I am a Litigation Paralegal at the Finkel Law Firm LLC and have been for the past 14 years. I have been a Litigation Paralegal for over 25 years.

On October 24, 2017, I drafted a letter to the Richland County Clerk of Court filing a copy of the Notice of Appeal that was filed with the Court of Appeals on October 19, 2017. These documents were hand delivered to the Richland County Clerk of Court on October 24, 2017. I was under the mistaken impression that we had also served/delivered a copy of the same to the Clerk of the Court of Appeals. However, this was not the case and I was unaware of the oversight until I received notice from the Court of Appeals stating the appeal was dismissed on November 13, 2017.

Affiant sayeth now more.



*Margaret M. Rock*

Margaret M. Rock

FINKEL LAW FIRM LLC

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Columbia, South Carolina 29201

T: 803-765-2935

November 13, 2017  
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Appellate Case No.: 2017-002181

The Honorable G. Thomas Cooper, Jr.  
Richland County

Trial Court Case No.: 2016CP4005001

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LLC,.....Respondent.

**PROOF OF SERVICE**

I, the undersigned, of the law offices of Finkel Law Firm, LLC, attorneys for Plaintiff, do hereby certify that I have served all counsel of record on this date, November 13, 2017, in this action with a copy of the pleading(s) herein below specified, by depositing same in the United States mail, first-class postage pre-paid to the following address(es):

**PLEADINGS:** Appellant’s Motion to Reinstate Appeal

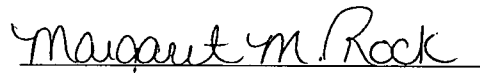
**COUNSEL:**

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Brandon Gottschall, Esquire  
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Margaret M. Rock  
Senior Litigation Paralegal

Columbia, South Carolina  
November 13, 2017



November 13, 2017

Margaret M. Rock  
Senior Litigation Paralegal  
[mrock@finkellaw.com](mailto:mrock@finkellaw.com)

Reply to:  
Columbia Office

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SC Court of Appeals

**VIA HAND DELIVERY**

Jenny Abbott Kitchings, Clerk  
South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, SC 29211

RE: Tina Bessinger vs. Long Creek Plantation Property Owners Association, Inc., LongCreek Development, LLC, Fairways Development, LLC, Advantage Services, Inc. and Halcyon Real Estate Services, LLC  
Case No.: 2017-002181

Dear Ms. Kitchings:

Enclosed please find an original and one (1) copy of the Appellant's Motion to Reinstate Appeal in the above referenced matter. Please file the original and return one (1) clocked copy of the same. I have also enclosed our check in the amount of \$25.00 to cover the filing fee for the Motion.

By copy of this letter, I am serving a copy of the same on all opposing counsel. Should you have any questions or comments, please do not hesitate to contact our office.

Sincerely,

Margaret M. Rock  
Senior Litigation Paralegal

/mmr

Enclosures

cc: Karl S. Brehmer, Esq. (w/encl.)  
Anthony W. Livoti, Esq. (w/encl.)  
Mark S. Barrow, Esq. (w/encl.)  
Brandon R. Gottschall, Esq. (w/encl.)

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