

85984

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM EDGEFIELD COUNTY
Special Referee for Common Pleas

John F. Byrd, Jr., Special Referee

Case No. 2014-CP-19-097
Appellate Case # 2017-000997

RECEIVED
FEB 23 2018
SC Court of Appeals

Beverly Ann Gilchrist,

Appellant,

v.

Respondents,

Florence Miles, Jimmy Glover, Albert
Glover, Tommy Glover, Mary M. Bibbs,
Annie Jefferson, Barry Shedrick, Myra S.
Padgett, Wade Shedrick, Randy Glover,
Genie Miles, Freddie Glover, Jr. Aaron
Glover, Steven R. Glover, Terrie G. Frazier,
Odell Glover, Doretha Sander, Michael
Holmes, Jackie James, Donnell Hampton,
Yvonne Forrest...Including any children and
heirs at law or distributees and devisees and
all persons entitled to claim under or through
them, and all other persons unknown
claiming any right, title or interest in a lien
upon the real estate described in the
Complaint herein, any unknown adults being
a class designated as John Doe; and any
unknown infants, minors or persons under a
legal disability including those in the military
service of the United States of America,
being a class designated as Richard Roe,

**Notice of Motion and
Motion To Dismiss**

Please take notice that on February 21, 2018 the undersigned will move before the Court for the granting of the relief requested herein. Respondent Odell Glover, through his attorney, moves the Court as follows:

1. To dismiss the subject appeal on the grounds that Appellant has not complied with Rule 210(a) SCACR by serving upon Respondent a copy of the Record on Appeal within the time frame provided in said rule and as further detailed in correspondence from the Court to the Appellant dated January 17, 2018. Said failure making it impossible to move forward with Final Briefs as provided in Rule 211(b) SCACR.

WHEREFORE, the Respondent herein moves the Court for a dismissal of the Appellant's Appeal based on the grounds herein stated and for such other and further relief as this Court may deem just and proper.



Jennifer H. Sumner
Post Office Box 502
Edgefield, South Carolina 29824
(803) 637-7034

February 21, 2018
Edgefield, SC

MEMORANDUM OF CITATIONS

South Carolina Appellate Court Rules

Rule 210(a)

South Carolina Appellate Court Rules

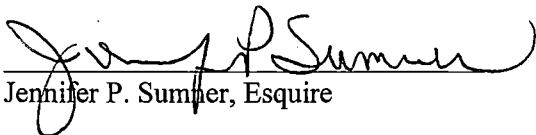
Rule 211(b)

STATE OF SOUTH CAROLINA)
)
COUNTY OF EDGEFIELD)

AFFIDAVIT

PERSONALLY APPEARED before me, Jennifer P. Sumner, who after being duly sworn, state as follows:

1. I am the counsel of record for Respondent Odell Glover in this action.
2. As of today's date I have not received the Record of Appeal from the Appellant as required to be served upon me by February 17, 2018.
3. I did receive a mailing dated February 14, 2018 from the Appellant however said document was the Appellant's Final Brief and not the Record on Appeal as required by Rule 210.
4. As listed in the Appellant's Designation of Matters dated October 17, 2017, said Record of Appeal should include several specific Orders, a full transcript of the proceedings from February 5, 2016 and various exhibits from said proceeding, related Deeds of Distribution and Letters of Appellant's previous counsel, as well as those items listed in Respondent's Designation of Matters.
5. Without a Record of Appeal it is impossible to comply with Rule 211 SCACR.

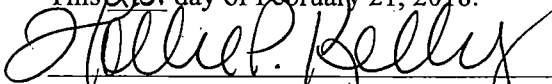

Jennifer P. Sumner, Esquire

STATE OF SOUTH CAROLINA)
)
COUNTY OF EDGEFIELD)

ACKNOWLEDGEMENT

PERSONALLY APPEARED BEFORE ME, Jennifer P. Sumner, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within affidavit and acknowledged to me that he executed the same in his authorized capacity.

SWORN TO AND SUBSCRIBED TO BEFORE ME
This 21st day of February 21, 2018.



Notary Public for SOUTH CAROLINA
My Commission Expires: 11/24/20

PROOF OF SERVICE OF RESPONDENT'S MOTION TO DISMISS

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM EDGEFIELD COUNTY
Special Referee for Common Pleas

John F. Byrd, Jr., Special Referee

Case No. 2014-CP-19-097
Appellate Case # 2017-000997

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SC Court of Appeals

Beverly Ann Gilchrist,

Appellant,

v.

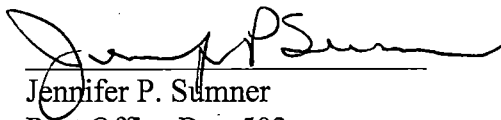
Florence Miles, Jimmy Glover, Albert
Glover, Tommy Glover, Mary M. Bibbs,
Annie Jefferson, Barry Shedrick, Myra S.
Padgett, Wade Shedrick, Randy Glover,
Genie Miles, Freddie Glover, Jr. Aaron
Glover, Steven R. Glover, Terrie G. Frazier,
Odell Glover, Doretha Sander, Michael
Holmes, Jackie James, Donnell Hampton,
Yvonne Forrest...Including any children and
heirs at law or distributees and devisees and
all persons entitled to claim under or through
them, and all other persons unknown
claiming any right, title or interest in a lien
upon the real estate described in the
Complaint herein, any unknown adults being
a class designated as John Doe; and any
unknown infants, minors or persons under a
legal disability including those in the military
service of the United States of America,
being a class designated as Richard Roe,

Respondent.

Respondents

PROOF OF SERVICE

I certify that I have served the Respondent's Motion To Dismiss dated February 21, 2018 on the attached list of Respondents by depositing a copy of it in the United States Mail, postage prepaid, on February 21, 2018 addressed to the addresses as they appear on the attached list.



Jennifer P. Sumner
Post Office Box 502
Edgefield, South Carolina 29824
(803) 637-7034
Attorney for Respondent Odell Glover

February 21, 2018
Edgefield, SC

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SC Court of Appeals

PROOF OF SERVICE RESPONDENTS

Mary M. Bibbs
127 SE Diggs Road
Trenton, SC 29847

Annie Jefferson
3350 Highway 19
Trenton, SC 29847

Barry Shedrick
1131 Watson Road
Trenton, SC 29847

Myra S. Padgett
1131 Watson Road
Trenton, SC 29847

Wade Shedrick
1131 Watson Road
Trenton, SC 29847

Randy Glover
325 Parker Street
Johnston, SC 29832

Freddie Glover, Jr.
325 Parker Street
Johnston, SC 29832

Florence Miles
31 Carrie Lane
North Augusta, SC 29860

Jimmy Glover
5 Yates Lane
Trenton, SC 29847

Steven Glover
3312 Highway 19
Trenton, SC 29847

Aaron Glover
3312 Highway 19
Trenton, SC 29847

Terrie Frazier
3312 Highway 19
Trenton, SC 29847

Albert Glover
123 Diggs Road
Trenton, SC 29847

Tommy Glover
200 Greenland Drive
North Augusta, SC 29841

Patrick A. McWilliams, Esquire
Post Office Box 521
Aiken, SC 29802

Beverly Ann Gilchrist
132 Samuel E. Diggs Road
Trenton, SC 29847

SUMNER LAW FIRM, LLC
ATTORNEY AT LAW

300 Main Street
Post Office Box 502
Edgefield, South Carolina 29824

Jennifer P. Sumner
jennifer@sumnerlawfirm.us

Telephone (803) 637-7034
Facsimile (803) 637-7117

February 21, 2018

Jenny Abbott Kitchings
Clerk
SC Court of Appeals
1220 Senate Street
Columbia, SC 29201


RECEIVED
FEB 23 2018
SC Court of Appeals

Re: Beverly Gilchrist V. Florence Miles, Et al.
Appellate Case No. 2017-000997

Dear Ms. Kitchings:

Please find enclosed on behalf of Respondent Odell Glover the following:
-Motion to Dismiss (Original with 6 copies), Proof of Service thereof, filing fee in the amount of \$25.00.

Sincerely,

Sumner Law Firm, LLC

Jennifer P. Sumner

/hpk
enclosures: as stated

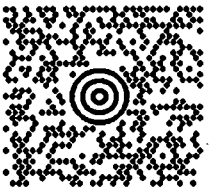
SUMNER LAW FIRM, LLC
803-637-7034
SUMNER LAW FIRM, LLC
300 MAIN STREET
EDGEFIELD SC 29824

0.0 LBS LTR

1 OF 1

SHIP TO:

JENNY ABBOTT KITCHINGS, CLERK
SC COURT OF APPEAL
1220 SENATE STREET
COLUMBIA SC 29201-3769



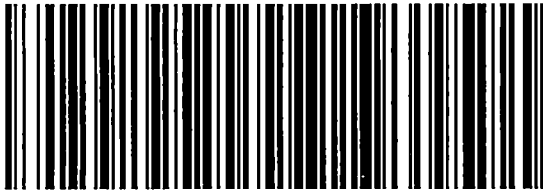
SC 292 9-01



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BILLING: P/P

Reference#1: 14-290 Glover

US 20.0.32. WNTNV50 97.0A 01/2018



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FEB 23 2018

SC Court of Appeals