

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM EDGEFIELD COUNTY  
Special Referee for Common Pleas

John F. Byrd, Jr., Special Referee

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

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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,

Respondents,

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SC Court of Appeals

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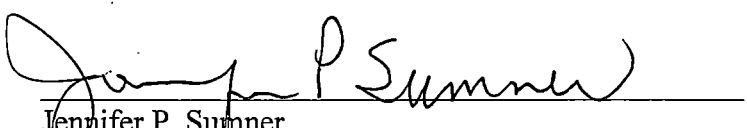
**SC Court of Appeals**

**Notice of Motion and  
Motion To Dismiss**

Please take notice that on March 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 complete and proper 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. Specifically, a second document purporting to be the Appellant's Record on Appeal was served on March 13, 2018 being past the extended deadline given by the Court and was deficient in that all Respondent's Exhibits from the hearing of February 5, 2016 were omitted. Also, the Appellant's Final Brief served along with the second Appellant's Record of Appeal, is deficient in that it does not include the required references to the Record as provided in Rule 211(b)(1).

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

March 21, 2018      Edgefield, SC

MEMORANDUM OF CITATIONS

South Carolina Appellate Court Rules

Rule 210(a)

South Carolina Appellate Court Rules

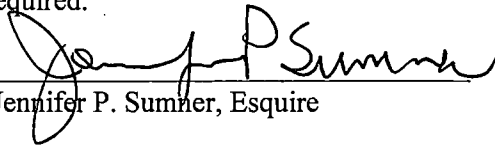
Rule 211(b)

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. A second Appellant's Record on Appeal was mailed to me by the Appellant on March 13, 2018 said date being past the extended time given to the Appellant to correct deficiencies in the first served Record on Appeal.
3. Said Record on Appeal omitted all of Respondent's Exhibits from the February 5, 2016 hearing which were a part of the Designation of Matters To Be Included on Appeal.
4. Without a proper Record on Appeal it is impossible to comply with Rule 211 SCACR.
5. The Final Brief of Appellant served along with the second Record on Appeal does not include proper references to the Record on Appeal as required.

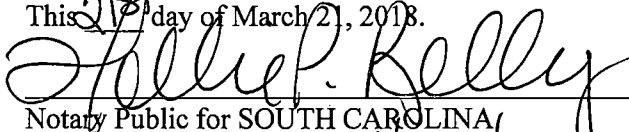
  
Jennifer P. Sumner, Esquire

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 21<sup>st</sup> day of March 21, 2018.

  
Notary Public for SOUTH CAROLINA  
My Commission Expires: 11/26/20

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SC Court of Appeals

**PROOF OF SERVICE OF MOTION TO DISMISS**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM EDGEFIELD COUNTY  
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Case No. 2014-CP-19-097  
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Respondents

Respondent.

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SC Court of Appeals

PROOF OF SERVICE

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I certify that I have served the Respondent's Motion to Dismiss dated March 21, 2018 on the attached list of Respondents/Appellant by depositing a copy of it in the United States Mail, postage prepaid, on March 21, 2018 addressed as noted in the attached list.



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

March 21, 2018  
Edgefield, SC

## PROOF OF SERVICE

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](mailto:jennifer@sumnerlawfirm.us)

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

March 21, 2018

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

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

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SC Court of Appeals

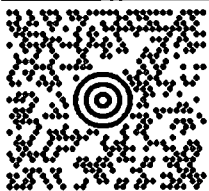
SUMNER LAW FIRM, LLC  
803-637-7034  
SUMNER LAW FIRM, LLC  
300 MAIN STREET  
EDGEFIELD SC 29824

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**SHIP TO:**

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



**SC 292 9-01**



**UPS NEXT DAY AIR**

**1**

TRACKING #: 1Z 8R4 5V0 01 9563 2851



BILLING: P/P

Reference#1: 14-290 Glover

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SC Court of Appeals