

Hopkins, Debbie

From: Shearouse, Daniel
Sent: Tuesday, January 24, 2012 5:42 PM
To: briandumasattorney@sc.rr.com; TKennaday@TurnerPadget.com
Subject: RE: Duncan v. Voyles

The Court has directed me to inform you that counsel should be present and prepared to present oral arguments tomorrow. Counsel should also be prepared to respond to any questions the Court might have about the status of the settlement agreement.

Daniel E. Shearouse
Clerk, Supreme Court of South Carolina

From: Kennaday, Tom M. [mailto:TKennaday@TurnerPadget.com]
Sent: Tuesday, January 24, 2012 4:24 PM
To: Hopkins, Debbie
Cc: Brian Dumas (briandumasattorney@sc.rr.com)
Subject: RE: Duncan v. Voyles

Ms. Hopkins,

As promised, this is to keep you informed of our progress on settlement. We have progressed to an agreement in principal. We have an agreement on the broad terms of the settlement, but do not have, and cannot have by tomorrow, a final, detailed agreement signed by the parties. Mr. Dumas and I are planning to appear before the Court tomorrow and happy to do so, but at the same time, in case the Court feels it is a waste of the Court's time to hear a case that has settled in principal, we want to apprise the Court of the situation. We will plan to appear unless we hear otherwise from you.

Thanks. Tom.

From: Hopkins, Debbie [mailto:DJHopkins@sccourts.org]
Sent: Tuesday, January 24, 2012 10:23 AM
To: Kennaday, Tom M.
Subject: RE: Duncan v. Voyles

Thank you, Mr. Kennaday – I will contact you as soon as I receive a response from the Court.

From: Kennaday, Tom M. [mailto:TKennaday@TurnerPadget.com]
Sent: Tuesday, January 24, 2012 10:22 AM
To: Hopkins, Debbie
Cc: Brian Dumas (briandumasattorney@sc.rr.com)
Subject: Duncan v. Voyles

Ms. Hopkins,

This is to follow up on a call I just made to you. I represent the Duncans in the above referenced case which is scheduled to be heard at 10:30 tomorrow. Mr. Dumas represents the respondents. We are in settlement negotiations and might reach an agreement in principal today, but we will not have a fully executed settlement agreement by tomorrow. I called to apprise the Court of this situation and ask whether the Court would want us to appear tomorrow if we did reach an agreement in principal but did not have a fully executed settlement

agreement. We appreciate you checking on that for us and we will keep you informed of the progress of our settlement discussions.

Thanks. Tom.

CIRCULAR 230 DISCLOSURE: To comply with Treasury Department regulations, we inform you that, unless otherwise expressly indicated, any tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties that may be imposed under the Internal Revenue Code or any other applicable tax law, or (ii) promoting, marketing or recommending to another party any transaction, arrangement, or other matter.

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CONFIDENTIAL & PRIVILEGED:

Unless otherwise indicated or obvious from the nature of the above communication, the information contained herein may be an attorney-client privileged and confidential information/work product. The communication is intended for the use of the individual or entity named above. If the reader of this transmission is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited.

If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by return e-mail and destroy any copies, electronic, paper or otherwise, which you may have of this communication.

Hopkins, Debbie

From: Kennaday, Tom M. <TKennaday@TurnerPadget.com>
Sent: Tuesday, January 24, 2012 10:22 AM
To: Hopkins, Debbie
Cc: Brian Dumas (briandumasattorney@sc.rr.com)
Subject: Duncan v. Voyles

Ms. Hopkins,

This is to follow up on a call I just made to you. I represent the Duncans in the above referenced case which is scheduled to be heard at 10:30 tomorrow. Mr. Dumas represents the respondents. We are in settlement negotiations and might reach an agreement in principal today, but we will not have a fully executed settlement agreement by tomorrow. I called to apprise the Court of this situation and ask whether the Court would want us to appear tomorrow if we did reach an agreement in principal but did not have a fully executed settlement agreement. We appreciate you checking on that for us and we will keep you informed of the progress of our settlement discussions.

Thanks. Tom.

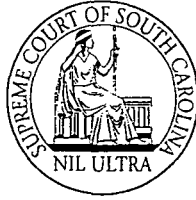
CIRCULAR 230 DISCLOSURE: To comply with Treasury Department regulations, we inform you that, unless otherwise expressly indicated, any tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties that may be imposed under the Internal Revenue Code or any other applicable tax law, or (ii) promoting, marketing or recommending to another party any transaction, arrangement, or other matter.

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The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

January 17, 2012

Thomas M. Kennaday, Esquire
Turner, Padgett, Graham & Laney, P.A.
P. O. Box 1473
Columbia, SC 29202

Brian Dumas, Esquire
718 Clemson Road
Columbia, SC 29229

Re: Duncan, Howard v. Voyles, Rose

Dear Counsel:

The record in the above case has been reviewed and the time allotment for oral argument for this case is as follows:

Appellants	15 minutes
Respondents	15 minutes
Appellants in Reply	5 minutes

This case is scheduled for hearing on Wednesday, January 25, 2012 at 10:30 a.m.

Very truly yours,

Daniel E. Shearouse, Clerk

By Debbie M. Hopkins
Administrative Assistant

DES/dmh

TURNER PADGET

TURNER PADGET GRAHAM & LANEY P.A.

CHARLESTON
COLUMBIA
FLORENCE
GREENVILLE
MYRTLE BEACH

REPLY TO:

Thomas M. Kennaday
tkennaday@turnerpadget.com
Writer's Direct Dial: (803) 227-4290
Direct Fax: (803) 400-1553

November 15, 2011

The Honorable Daniel E. Shearouse
Clerk, SC Supreme Court
1231 Gervais Street
Columbia, SC 29201

Re: Howard Alston Duncan, Jr. and Thomas Duncan v. Rose Ann Voyles and
Mary Liverman
Case No.: 2010-CP-40-00044
In the Matter of Mary Rose Duncan
Case No.: 2010-CP-40-2812
Appellate Case Tracking No.: 2010179346
File No. 9820.101

Dear Mr. Shearouse:

In response to the Court's November 10, 2011, letter, I write to advise that the attorneys for Appellants do not have any conflicts that take precedence over argument at the Court on January 10, 11, 24, 25 or 26, 2012.

With kind regards, I am

Sincerely,



Thomas M. Kennaday

TMK/tj

cc: Brian Dumas, Esquire

RECEIVED

NOV 28 2011

S.C. SUPREME COURT

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Bank of America Plaza • 17th Floor • 1901 Main Street (29201) • PO Box 1473 • Columbia, SC 29202
Phone (803) 254-2200 • Fax (803) 799-3957 • turnerpadget.com



The South Carolina Supreme Court

DANIEL E. SHEAROUSE
CLERK OF COURT
BRENDA F. SHEALY
DEPUTY CLERK

P.O. BOX 11330
COLUMBIA, S.C. 29211
PHONE NO. 734-1080

To: Thomas M. Kennaday, Esquire
From: Daniel E. Shearouse
Date: November 10, 2011
RE: January Preliminary List

Pursuant to the provisions of Rule 216 of the South Carolina Appellate Court Rules, this is to advise that the following case(s) will probably be reached for hearing at the January 2012 term of the South Carolina Supreme Court. Our records indicate that you are counsel of record in one or more of these case(s).

Court will meet the days of January 10, 11, 24, 25 and 26. Please notify this office in writing prior to November 18, 2011 as to any scheduling conflicts for the January term, and any changes or additions of counsel that should be made to the record for the purpose of argument. If you do have a scheduling conflict, please advise as to the specific nature of the conflict.

Duncan, Howard v. Voyles, Rose

RECEIVED

NOV 28 2011

S.C. SUPREME COURT

11/14/11

received
11/14/11

BRIAN DUMAS, ATTORNEY LLC

718 Clemson Road
Columbia, SC 29229

Phone: (803) 699-4996 Facsimile: (803) 699-4995
briandumasattorney@sc.rr.com

Certified SC Circuit Court Mediator

Certified SC Family Court Mediator

November 15, 2011

South Carolina Supreme Court
Daniel E. Shearouse
PO Box 11330
Columbia, SC 29211

Re: Duncan, Howard v. Voyles, Rose

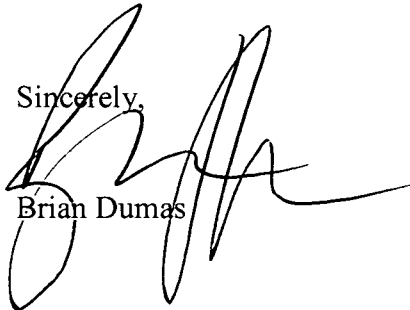
Dear Mr. Shearouse:

I received your letter dated November 10, 2011 stating that the above-referenced matter will probably be reached for hearing at the January 2012 term. I have a mediation scheduled in a medical malpractice case set for January 11, 2012 and would appreciate you not scheduling this case for oral argument that day.

I thank you in advance for your assistance in this matter.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Brian Dumas

BD/tlr

cc: Thomas M. Kennaday

RECEIVED

NOV 16 2011

S.C. SUPREME COURT



The South Carolina Supreme Court

DANIEL E. SHEAROUSE
CLERK OF COURT
BRENDA F. SHEALY
DEPUTY CLERK

P.O. BOX 11330
COLUMBIA, S.C. 29211
PHONE NO. 734-1080

To: Brian Dumas, Esquire
From: Daniel E. Shearouse
Date: November 10, 2011
RE: January Preliminary List

Pursuant to the provisions of Rule 216 of the South Carolina Appellate Court Rules, this is to advise that the following case(s) will probably be reached for hearing at the January 2012 term of the South Carolina Supreme Court. Our records indicate that you are counsel of record in one or more of these case(s).

Court will meet the days of January 10, 11, 24, 25 and 26. Please notify this office in writing prior to November 18, 2011 as to any scheduling conflicts for the January term, and any changes or additions of counsel that should be made to the record for the purpose of argument. If you do have a scheduling conflict, please advise as to the specific nature of the conflict.

Duncan, Howard v. Voyles, Rose



The South Carolina Supreme Court

DANIEL E. SHEAROUSE
CLERK OF COURT
BRENDA F. SHEALY
DEPUTY CLERK

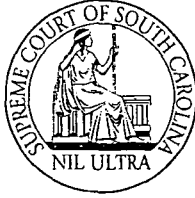
P.O. BOX 11330
COLUMBIA, S.C. 29211
PHONE NO. 734-1080

To: Thomas M. Kennaday, Esquire
From: Daniel E. Shearouse
Date: November 10, 2011
RE: January Preliminary List

Pursuant to the provisions of Rule 216 of the South Carolina Appellate Court Rules, this is to advise that the following case(s) will probably be reached for hearing at the January 2012 term of the South Carolina Supreme Court. Our records indicate that you are counsel of record in one or more of these case(s).

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Duncan, Howard v. Voyles, Rose



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

October 26, 2011

Thomas M. Kennaday, Esquire
Turner, Padgett, Graham & Laney, P.A.
P. O. Box 1473
Columbia, SC 29202

Brian Dumas, Esquire
718 Clemson Road
Columbia, SC 29229

Re: Duncan, Howard v. Voyles, Rose

Dear Counsel:

When the roster for the December 2011 term of Court was prepared, the above referenced case was not scheduled. Our records indicate that you are counsel of record in this case.

This case will be placed on the January 2012 Preliminary List of Cases. Court will meet the days of January 10, 11, 24, 25 and 26.

Very truly yours,

Daniel E. Shearouse
ES

CLERK

DES/dmh

BRIAN DUMAS, ATTORNEY LLC
718 Clemson Road
Columbia, SC 29229
Phone: (803) 699-4996 Facsimile: (803) 699-4995
briandumasattorney@sc.rr.com

October 10, 2011

South Carolina Supreme Court
Daniel E. Shearouse, Clerk of Court
Post Office Box 11330
Columbia, SC 29211

RE: November Preliminary List
Duncan, Howard v. Voyles, Rose

RECEIVED

OCT 12 2011

S.C. SUPREME COURT

Dear Mr. Shearouse,

Brian Dumas has no conflicts with the dates of November 29th, 30th, and December 1st.

If you have any questions or comments, please feel free to contact me immediately.

Sincerely,



Melissa Matthews
Paralegal to Brian Dumas

TURNER PADGET

TURNER PADGET GRAHAM & LANEY P.A.

CHARLESTON
COLUMBIA
FLORENCE
GREENVILLE
MYRTLE BEACH

RECEIVED

OCT 11 2011

October 7, 2011

S.C. SUPREME COURT

REPLY TO:

Thomas M. Kennaday

tkennaday@turnerpadget.com

Writer's Direct Dial: (803) 227-4290

Direct Fax: (803) 400-1553

The Honorable Daniel E. Shearouse
Clerk, SC Supreme Court
P.O. Box 11330
Columbia, SC 29211

Re: Howard Alston Duncan, Jr. and Thomas Duncan v. Rose Ann Voyles and
Mary Liverman
Case No.: 2010-CP-40-00044
In the Matter of Mary Rose Duncan
Case No.: 2010-CP-40-2812
Appellate Case Tracking No.: 2010179346
File No. 9820.101

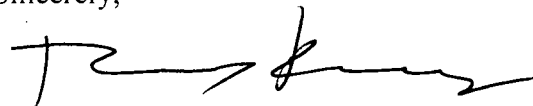
Dear Mr. Shearouse:

In response to your memo of October 5, 2011, regarding the December Preliminary List, I write to advise the Court that I will be traveling out-of-town on November 29 and 30, and I do not know if I will return in time to appear for a December 1 argument. Therefore, I would respectfully request the Court's favorable consideration in moving these cases to the next term of court.

Thank you in advance for your time and assistance with this matter, and please contact me if you have any questions.

With kind regards, I am

Sincerely,



Thomas M. Kennaday

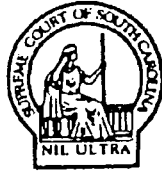
TMK/tj

cc: Brian Dumas, Esquire

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Phone (803) 254-2200 • Fax (803) 799-3957 • turnerpadget.com



The South Carolina Supreme Court

DANIEL E. SHEAROUSE
CLERK OF COURT
BRENDA F. SHEALY
DEPUTY CLERK

P.O. BOX 11330
COLUMBIA, S.C. 29211
PHONE NO. 734-1080

To: Thomas M. Kennaday, Esquire
From: Daniel E. Shearouse
Date: October 05, 2011
RE: December Preliminary List

Pursuant to the provisions of Rule 216 of the South Carolina Appellate Court Rules, this is to advise that the following case(s) will probably be reached for hearing at the December 2011 term of the South Carolina Supreme Court. Our records indicate that you are counsel of record in one or more of these case(s).

Court will meet the days of November 29, November 30 and December 1. Please notify this office in writing prior to October 12, 2011 as to any scheduling conflicts for the December term, and any changes or additions of counsel that should be made to the record for the purpose of argument. If you do have a scheduling conflict, please advise as to the specific nature of the conflict.

Duncan, Howard v. Voyles, Rose



The South Carolina Supreme Court

DANIEL E. SHEAROUSE
CLERK OF COURT
BRENDA F. SHEALY
DEPUTY CLERK

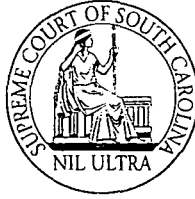
P.O. BOX 11330
COLUMBIA, S.C. 29211
PHONE NO. 734-1080

To: Brian Dumas, Esquire
From: Daniel E. Shearouse
Date: October 05, 2011
RE: December Preliminary List

Pursuant to the provisions of Rule 216 of the South Carolina Appellate Court Rules, this is to advise that the following case(s) will probably be reached for hearing at the December 2011 term of the South Carolina Supreme Court. Our records indicate that you are counsel of record in one or more of these case(s).

Court will meet the days of November 29, November 30 and December 1. Please notify this office in writing prior to October 12, 2011 as to any scheduling conflicts for the December term, and any changes or additions of counsel that should be made to the record for the purpose of argument. If you do have a scheduling conflict, please advise as to the specific nature of the conflict.

Duncan, Howard v. Voyles, Rose



The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

BRENDA F. SHEALY
CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

September 21, 2011

Thomas M. Kennaday, Esquire
Turner, Padgett, Graham & Laney, P.A.
P. O. Box 1473
Columbia, SC 29202

Brian Dumas, Esquire
718 Clemson Road
Columbia, SC 29229

Re: Duncan, Howard v. Voyles, Rose

Dear Counsel:

When the roster for the November 2011 term of Court was prepared, the above referenced case was not scheduled. Our records indicate that you are counsel of record in this case.

This case will be placed on the December 2011 Preliminary List of Cases. Court will meet the days of November 29, November 30 and December 1.

Very truly yours,

Daniel E. Shearouse
85

CLERK

DES/dmh

TURNER PADGET

TURNER PADGET GRAHAM & LANEY P.A.

CHARLESTON
COLUMBIA
FLORENCE
GREENVILLE
MYRTLE BEACH

REPLY TO:

Thomas M. Kennaday
tkennaday@turnerpadget.com
Writer's Direct Dial: (803) 227-4290
Direct Fax: (803) 400-1553

September 6, 2011

RECEIVED

SEP - 6 2011

S.C. Supreme Court

VIA HAND DELIVERY

The Honorable Daniel E. Shearouse
Clerk, SC Supreme Court
1231 Gervais Street
Columbia, SC 29201


Re: Howard Alston Duncan, Jr. and Thomas Duncan v. Rose Ann Voyles and Mary Liverman
Case No.: 2010-CP-40-00044
In the Matter of Mary Rose Duncan
Case No.: 2010-CP-40-2812
Appellate Case Tracking No.: 2010179346
File No. 9820.101

Dear Mr. Shearouse:

In response to the Court's August 29, 2011 letter, I write to advise that the attorneys for Appellants do not have any conflicts that take precedence over argument at the Court on November 1, 2, 3, 15 and 16.

With kind regards, I am

Sincerely,



Thomas M. Kennaday

TMK/tj

cc: Brian Dumas, Esquire

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Bank of America Plaza • 17th Floor • 1901 Main Street (29201) • PO Box 1473 • Columbia, SC 29202
Phone (803) 254-2200 • Fax (803) 799-3957 • turnerpadget.com



BRIAN DUMAS, ATTORNEY LLC
718 Clemson Road
Columbia, SC 29229
Phone: (803) 699-4996 Facsimile: (803) 699-4995
briandumasattorney@sc.rr.com

August 31, 2011

South Carolina Supreme Court
Daniel E. Shearouse, Clerk of Court
Post Office Box 11330
Columbia, SC 29211

RE: November Preliminary List
Duncan, Howard v. Voyles, Rose

RECEIVED

SEP 02 2011

S.C. SUPREME COURT

Dear Mr. Shearouse,

Brian Dumas has no conflicts with the dates of November 1st, 2nd, 3rd, 15th, and 16th.

If you have any questions or comments, please feel free to contact me immediately.

Sincerely,



Melissa Matthews
Paralegal to Brian Dumas



The South Carolina Supreme Court

DANIEL E. SHEAROUSE
CLERK OF COURT
BRENDA F. SHEALY
DEPUTY CLERK

P.O. BOX 11330
COLUMBIA, S.C. 29211
PHONE NO. 734-1080

To: Thomas M. Kennaday, Esquire
From: Daniel E. Shearouse
Date: August 29, 2011
RE: November Preliminary List

Pursuant to the provisions of Rule 216 of the South Carolina Appellate Court Rules, this is to advise that the following case(s) will probably be reached for hearing at the November 2011 term of the South Carolina Supreme Court. Our records indicate that you are counsel of record in one or more of these case(s).

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Duncan, Howard v. Voyles, Rose



The South Carolina Supreme Court

DANIEL E. SHEAROUSE
CLERK OF COURT
BRENDA F. SHEALY
DEPUTY CLERK

P.O. BOX 11330
COLUMBIA, S.C. 29211
PHONE NO. 734-1080

To: Brian Dumas, Esquire
From: Daniel E. Shearouse
Date: August 29, 2011
RE: November Preliminary List

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Duncan, Howard v. Voyles, Rose

TURNER PADGET

TURNER PADGET GRAHAM & LANEY P.A.

CHARLESTON
COLUMBIA
FLORENCE
GREENVILLE
MYRTLE BEACH

REPLY TO:

Thomas M. Kennaday
tkennaday@turnerpadget.com
Writer's Direct Dial: (803) 227-4290
Direct Fax: (803) 400-1553

May 12, 2011

RECEIVED

MAY 12 2011

S.C. Supreme Court

VIA HAND DELIVERY

The Honorable Daniel E. Shearouse
Clerk of Court
SC Supreme Court
1231 Gervais Street
Columbia, SC 29201

Re: Howard Alston Duncan, Jr. and Thomas Duncan v. Rose Ann Voyles and Mary Liverman
Case No.: 2010-CP-40-00044
In the Matter of Mary Rose Duncan
Case No.: 2010-CP-40-2812
Appellate Case Tracking No.: 2010179346
File No. 9820.101

Dear Mr. Shearouse:

Enclosed please find the following documents regarding the above-referenced matter:

1. Original and 15 copies of the Record on Appeal;
2. Original and 15 copies of the Final Brief of Appellant;
3. Original and 15 copies of the Final Reply Brief of Appellant;
4. Original and one copy of the Certificate of Counsel; and
5. Original and one copy of the Proof of Service.


Please file the original documents and return clocked copies to me via our office courier. Thank you for your assistance with this matter, and please contact me if you have any questions.

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Bank of America Plaza • 17th Floor • 1901 Main Street (29201) • PO Box 1473 • Columbia, SC 29202
Phone (803) 254-2200 • Fax (803) 799-3957 • turnerpadget.com

With kind regards, I am

Sincerely,



Thomas M. Kennaday

TMK/ssm
Enclosures

cc: Brian Dumas, Esquire (via hand delivery, w/enc.)

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MAY 12 2011

S.C. Supreme Court

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court Of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Case No: 2010-CP-CP-0044
Case No.: 2010-CP-40-2812

RECEIVED

APR 27 2011

SC Court of Appeals

RECEIVED

APR 27 2011

SC Court of Appeals

Howard Alston Duncan, Jr. and Thomas Duncan,.....Appellants,

v.

Rose Ann Voyles and Mary Liverman,.....Respondents.

PROOF OF SERVICE

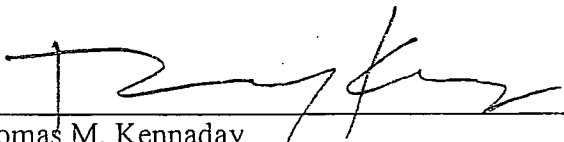
I certify that on April 27, 2011, I have served a copy of the Record on Appeal
by hand-delivery to:

Brian Dumas, Esquire
718 Clemson Road
Columbia, SC 29229

ATTORNEYS FOR RESPONDENT

April 27, 2011

By:



Thomas M. Kennaday

Turner Padgett Graham & Laney P.A.
Post Office Box 1473
Columbia, SC 29202
Phone: (803) 254-2200
Fax: (803) 799-3957

ATTORNEYS FOR APPELLANTS



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

April 13, 2011

Thomas M. Kennaday, Esquire
Turner, Padgett, Graham
& Laney, P.A.
P O Box 1473
Columbia, SC 29202

Re: Duncan, Howard v. Voyles, Rose
Case #2010179346

Dear Counsel:

All parties are advised that the originals of all records on appeal and final briefs filed with the appellate courts are scanned. Therefore, in accordance with the May 1, 2008 Amendments to the South Carolina Appellate Court Rules, DO NOT staple, spiral bind, velobind, or otherwise permanently bind the ORIGINALS of these documents. The original brief(s) and record on appeal should still have front and back covers in compliance with Rule 267(e) of the South Carolina Appellate Court Rules, but should not be bound. You may secure the originals with paper clips, binder clips, rubber bands, by placing them in large envelopes, or by any other similar means that will keep the pages together without binding or hole-punching. All COPIES of the record on appeal and final briefs should be bound as specified in the South Carolina Appellate Court Rules.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

V. Claire Allen, Deputy
CLERK

TAG/jt

cc: Brian Dumas, Esquire

TURNER PADGET

TURNER PADGET GRAHAM & LANEY P.A.

CHARLESTON
COLUMBIA
FLORENCE
GREENVILLE
MYRTLE BEACH

REPLY TO:

Thomas M. Kennaday

tkennaday@turnerpadget.com

Writer's Direct Dial: (803) 227-4290

Direct Fax: (803) 400-1553

April 7, 2011

VIA HAND DELIVERY

The Honorable Tanya Gee
Clerk of S.C. Court of Appeals
1015 Sumter Street
Columbia, SC 29201

RECEIVED

APR 07 2011

SC Court of Appeals

Re: Howard Alston Duncan, Jr. and Thomas Duncan v. Rose Ann Voyles and Mary Liverman

Case No.: 2010-CP-40-00044

In the Matter of Mary Rose Duncan

Case No.: 2010-CP-40-2812

Appellate Case Tracking No.: 2010179346

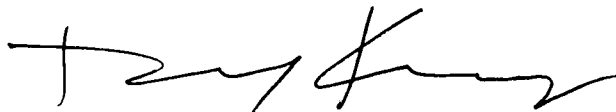
File No. 9820.101

Dear Ms. Gee:

Enclosed please find the originals and one copy each of the Initial Reply Brief of Appellants and Proof of Service regarding the above-referenced matter. Please file the original documents and return clocked copies to me via our office courier. Thank you for your assistance with this matter, and please contact me if you have any questions.

With kind regards, I am

Sincerely,



Thomas M. Kennaday

TMK/tj

Enclosures

cc: Brian Dumas, Esquire (via hand delivery, w/enc.)

BUSINESS • LITIGATION • SOLUTIONS

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STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Case No.: 2010-CP-0044
Case No.: 2010-CP-2812

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MAR 29 2011

SC Court of Appeals

HOWARD ALSTON DUNCAN, JR. AND THOMAS DUNCAN,

APPELLANTS,

V.

ROSE ANN VOYLES AND MARY LIVERMAN,

RESPONDENTS.

**DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL**

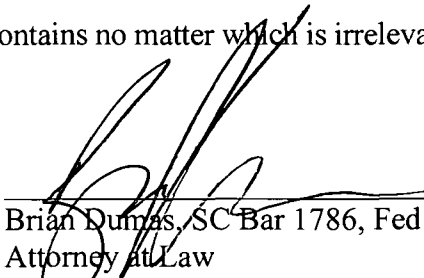
Respondents propose the following be included in the Record on Appeal:

1. Complaint in Court of Common Pleas dated January 5, 2010;
2. Petition for Declaratory Judgment in the Probate Court dated January 5, 2010;
3. Notice of and Motion to Dismiss and/or Change Venue Pursuant to SCRC 12 dated February 10, 2010;
4. Return to Motion for Removal and Notice of and/Motion to Dismiss and/or Venue Change Pursuant to SCRC 12 dated February 11, 2010;
5. Probate Court Order Granting the Motion for Removal to Circuit Court and Denying Motion to Dismiss and/or Transfer Venue dated April 15, 2010;
6. Motion to Consolidate filed by Appellants June 23, 2010;

7. Transcript of Record dated June 29, 2010;
8. Motions Roster;
9. Order of Judge McIntosh dated September 10, 2010;
10. Motion for Reconsideration on September 24, 2010; and
11. Form order dated November 19, 2010.

I certify that this designation contains no matter which is irrelevant to this appeal.

March 29, 2011



Brian Dumas, SC Bar 1786, Fed ID 638
Attorney at Law
718 Clemson Road
Columbia, SC 29229
(803) 699-4996 / FAX (803) 699-4995
briandumasattorney@sc.rr.com

ATTORNEY FOR RESPONDENTS

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Richland County
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Case No.: 2010-CP-0044
Case No.: 2010-CP-2812

RECEIVED
MAR 29 2011
SC Court of Appeals

HOWARD ALSTON DUNCAN, JR. AND THOMAS DUNCAN,

APPELLANTS,

V.

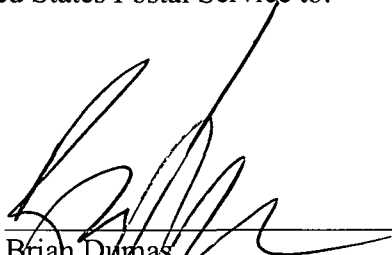
ROSE ANN VOYLES AND MARY LIVERMAN,

RESPONDENTS.

PROOF OF SERVICE

The undersigned attorney hereby certifies that a true copy of the Initial Brief of Respondents and Designation of Matter in the above referenced case has been served on Attorney for Appellants on March 29, 2011 by depositing a copy by United States Postal Service to:

Thomas M. Kennaday
Turner Padget Graham & Laney P.A.
Post Office Box 1473
Columbia, SC 29202



Brian Dumas
Attorney at Law
718 Clemson Road
Columbia, SC 29229
(803) 699-4996/Fax (803) 699-4995

ATTORNEY FOR RESPONDENTS.

BRIAN DUMAS, ATTORNEY

718 Clemson Road
Columbia, SC 29229

Phone: (803) 699-4996 Facsimile: (803) 699-4995
briandumasattorney@sc.rr.com

March 29, 2011

RECEIVED
MAR 29 2011

SC Court of Appeals

HAND-DELIVERED

The Honorable Tanya A. Gee
Clerk, South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211

Re: Howard Alston Duncan, Jr. and Thomas Duncan v. Rose Ann Voyles
Mary Liverman

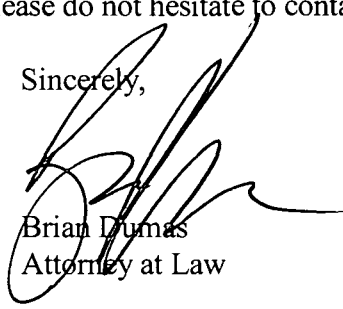
Dear Ms. Gee:

I have attached the original and one copy of the Initial Brief of Respondents and Designation of Matter to be Included in the Record on Appeal. Please file the original and return the clocked in copy to me.

By copy of this letter, I am informing opposing counsel, Thomas M. Kennaday, of Turner Padgett Graham & Laney, P.A.

If additional information if needed please do not hesitate to contact me.

Sincerely,



Brian Dumas
Attorney at Law

BD/kde

Enclosure

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court Of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Case No: 2010-CP-40-0044
Case No.: 2010-CP-40-2812

RECEIVED

MAR 01 2011

SC Court of Appeals

Howard Alston Duncan, Jr. and Thomas Duncan,.....Appellants,

v.

Rose Ann Voyles and Mary Liverman,..... Respondents.

APPELLANTS' DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL

Appellants propose the following to be included in the Record on Appeal:

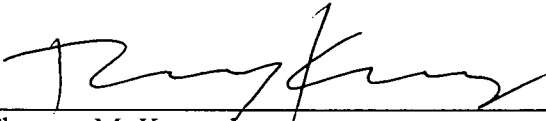
1. Complaint in Court of Common Pleas dated January 5, 2010;
2. Petition for Declaratory Judgment in the Probate Court dated January 5, 2010;
3. Notice of and Motion to Dismiss and/or Change Venue Pursuant to SCRC12 dated February 10, 2010;
4. Return to Motion for Removal and Notice of and/ Motion to Dismiss and/or Venue Change Pursuant to SCRC12 dated February 11, 2010;
5. Probate Court Order Granting the Motion for Removal to Circuit Court and Denying Motion to Dismiss and /or Transfer Venue dated April 15, 2010;
6. Transcript of Record dated June 29, 2010;
7. Motions Roster;

8. Order of Judge McIntosh dated September 10, 2010;
9. Motion for Reconsideration on September 24, 2010; and
10. Form order dated November 19, 2010.

Counsel for Appellants certify that this Designation contains no matter that is irrelevant to this appeal.

March 1, 2011

By: _____



Thomas M. Kennaday
Turner Padgett Graham & Laney P.A.
Post Office Box 1473
Columbia, SC 29202
Phone: (803) 254-2200
Fax: (803) 799-3957

ATTORNEYS FOR APPELLANTS

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court Of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Case No: 2010-CP-40-0044

Case No.: 2010-CP-40-2812

RECEIVED

MAR 01 2011

SC Court of Appeals

Howard Alston Duncan, Jr. and Thomas Duncan,..... Appellants,

v.

Rose Ann Voyles and Mary Liverman,..... Respondents.

PROOF OF SERVICE

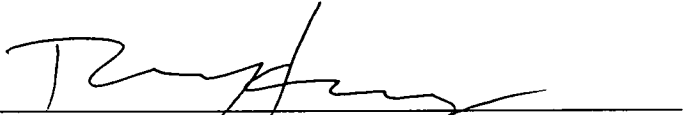
I certify that on March 1, 2011, I have served a copy of the Initial Brief of Appellants, Appellants Designation of Matter to be Included in the Record of Appeal and

Proof of Service by hand-delivery to:

Brian Dumas, Esquire
Peake Fowler & Associates, PA
9357 Two Notch Road, Ste. 103
Columbia, SC 29223

ATTORNEYS FOR RESPONDENT

March 1, 2011



Thomas M. Kennaday
Turner Padgett Graham & Laney P.A.
Post Office Box 1473
Columbia, SC 29202
Phone: (803) 254-2200
Fax: (803) 799-3957

ATTORNEYS FOR APPELLANT

TURNER PADGET

TURNER PADGET GRAHAM & LANEY P.A.

CHARLESTON
COLUMBIA
FLORENCE
GREENVILLE
MYRTLE BEACH

Thomas M. Kennaday

REPLY TO:

E-Mail: TKennaday@TurnerPadget.com
Writer's Direct Dial: (803) 227-4290
Direct Fax: (803) 400-1553

March 1, 2011

HAND-DELIVERED

The Honorable Tanya Gee
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

Re: Howard Alston Duncan, Jr. and Thomas Duncan v. Rose Ann Voyles and
Mary Liverman
Case No.: 2010-CP-40-0044
Case No.: 2010-CP-40-2812

Dear Ms. Gee:

Enclosed please find the originals and one copy each of the following documents:

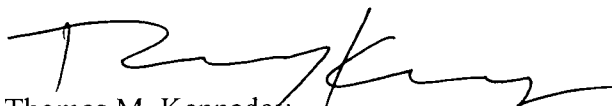
1. Initial Brief of Appellants;
2. Appellants' Designation of Matter to be Included in the Record on Appeal; and
3. Proof of Service.

Please file the original documents and return clocked copies of each to me via our office courier. Thank you for your assistance with this matter, and please contact me if you have any questions.

RECEIVED
MAR 01 2011
SC Court of Appeals

Sincerely,

TURNER, PADGET, GRAHAM & LANEY, P.A.



Thomas M. Kennaday

TMK:ssm

cc: Brian Dumas, Esquire (via hand delivery, w/encl.)

TPGL 3655521v1

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Phone (803) 254-2200 • Fax (803) 799-3957 • turnerpadget.com

TURNER PADGET

TURNER PADGET GRAHAM & LANEY P.A.

CHARLESTON
COLUMBIA
FLORENCE
GREENVILLE
MYRTLE BEACH

Thomas M. Kennaday

REPLY TO:

E-Mail: TKennaday@TurnerPadget.com
Writer's Direct Dial: (803) 227-4290
Direct Fax: (803) 400-1553

February 3, 2011

HAND-DELIVERED

The Honorable Tanya Gee
Clerk, South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

RECEIVED

FEB 03 2011

SC Court of Appeals

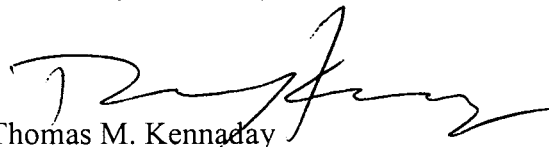
Re: Howard Alston Duncan, Jr. and Thomas Duncan v. Rose Ann Voyles and
Mary Liverman
Case No.: 2010-CP-40-0044
Case No.: 2010-CP-40-2812

Dear Ms. Gee:

Please be advised Appellants received the transcript of the trial proceedings in the above matter on February 3, 2011. I would greatly appreciate your returning a clocked copy of this letter via the enclosed envelope. Thank you for your assistance with this matter, and please contact me if you have any questions.

Sincerely,

TURNER, PADGET, GRAHAM & LANEY, P.A.



Thomas M. Kennaday

TMK:ssm

cc: Brian Dumas, Esquire

TPGL 3647671v1

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Phone (803) 254-2200 • Fax (803) 799-3957 • turnerpadget.com



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
WWW.SCCOURTS.ORG

December 15, 2010

Thomas M. Kennaday, Esquire
Turner, Padget, Graham
& Laney, P.A.
P O Box 1473
Columbia, SC 29202

Re: Duncan, Howard v. Voyles, Rose
Case Tracking #: 2010179344

Dear Counsel:

We have received your Notice of Appeal in the case noted above. This case will be docketed in the Court of Appeals and all communications concerning this case, including motions and petitions, initial and final briefs, and the Record on Appeal, should be directed to and filed in this Court. For all filings, please note the requirements of Rule 267(a) of the South Carolina Appellate Court Rules, and be further advised that Court of Appeals policy requires the firm name of any counsel shown must be included in his or her address.

We suggest that large parcels such as copies of final briefs and the Record On Appeal be sent directly to the Court via the street address: 1015 Sumter Street, Columbia, S.C. 29201. Thank you for your attention to this. Failure to file in the proper court may result in the dismissal of your appeal.

PLEASE BE ADVISED that, pursuant to Rule 207 of the South Carolina Appellate Court Rules, the transcript must be ordered within ten (10) days of the proof of service of the Notice of Appeal and you must provide this Court, opposing counsel, and the Office of Court Administration with all correspondence regarding the transcript. It is also Appellant's responsibility to make satisfactory arrangements (including agreement regarding payment for the transcript) with the Court Reporter for furnishing the transcript. You are reminded of the

notification requirements of Rule 207(a)(5), SCACR, also, please advise the Court in writing upon receipt of the transcript.

NOTE: If you believe this case has been improperly filed in the Court of Appeals, by reason of the limitations set forth in S.C. Code Ann. Section 14-8-200(b)(1998), as amended June 1, 1999, notify the Clerk's office of the Court of Appeals immediately. The cited Code Section prohibits the Court of Appeals from hearing appeals in seven classes of cases:

- 1) any final judgment from the circuit court which includes a sentence of death;
- 2) any final judgment from the circuit court setting public utility rates pursuant to Title 58;
- 3) any final judgment involving a challenge on state or federal grounds to the constitutionality of a state law or county or municipal ordinance where the principal issue is the constitutionality of the law or ordinance;
- 4) any final judgment from the circuit court involving the authorization, issuance, or proposed issuance of general obligation debt, revenue, institutional, industrial, or hospital bonds of the state, its agencies, political subdivisions, public service districts, counties, and municipalities or any other indebtedness now or hereafter authorized by Article X of the Constitution of this state;
- 5) any final judgment from the circuit court pertaining to elections and election procedure;
- 6) any order limiting an investigation by a State Grand Jury under S.C. Code Ann. Section 14-7-1630;
- 7) any order of the family court relating to an abortion by a minor under S.C. Code Ann. Section 44-41-33.

Very truly yours,
Tanya A. Gee
CLERK

VCA
TAG/ec

cc: Brian Dumas, Esquire



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

December 15, 2010

Thomas M. Kennaday, Esquire
Turner, Padgett, Graham
& Laney, P.A.
P O Box 1473
Columbia, SC 29202

Re: Duncan, Howard v. Voyles, Rose
Case Tracking #: 2010179344

Dear Counsel:

This office has received your Notice of Appeal in the above matter. It has been assigned the Case Tracking Number that appears above. Please use this number on all future correspondence relating to this matter.

I do wish to call the attention of the parties to the attached order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

Very truly yours,

V. Claire Allen, Deputy
CLERK

TAG/ec

cc: Brian Dumas, Esquire

TURNER PADGET

TURNER PADGET GRAHAM & LANEY P.A.

CHARLESTON
COLUMBIA
FLORENCE
GREENVILLE
MYRTLE BEACH

Thomas M. Kennaday

REPLY TO:

E-Mail: TKennaday@TurnerPadget.com
Writer's Direct Dial: (803) 227-4290
Direct Fax: (803) 400-1553

December 2, 2010

Ms. Keshia T. Reed
Post Office Box 12190
Florence, SC 29504-2190

Re: Howard Alston Duncan, Jr. and Thomas Duncan v. Rose Ann Voyles and
Mary Liverman
Case No.: 2010-CP-40-0044
Case No.: 2010-CP-40-2812

Dear Ms. Reed:

Please consider this our formal request for the original transcript of the hearing in the above-referenced matter before the Honorable R. Lawton McIntosh, Circuit Judge, on June 29, 2010. I appreciate your prompt attention to this request and ask that you direct your bill to my attention, along with the requested transcript, at your earliest possible opportunity. Should you require payment in advance, or in the event you require additional information, please do not hesitate to contact me at the address or telephone number listed herein.

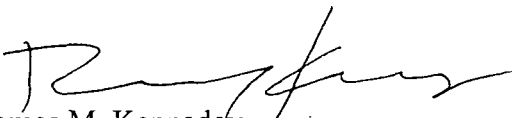
RECEIVED

DEC 02 2010

SC Court of Appeals

Sincerely,

TURNER, PADGET, GRAHAM & LANEY, P.A.


Thomas M. Kennaday

TMK:ssm

cc: Brian Dumas, Esquire
South Carolina Court Administration
South Carolina Court of Appeals

TPGL 3546303v1

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Phone (803) 254-2200 • Fax (803) 799-3957 • turnerpadget.com

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court Of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Case No: 2010-CP-40-0044

Case No. 2010-CP-40-2812

Rose Ann Voyles and Mary Liverman, Respondent,

v.

Howard Alston Duncan, Jr. and Thomas Duncan, Appellants.

NOTICE OF APPEAL

Pursuant to Rules 201 and 203 of the South Carolina Appellate Court Rules, Appellants Howard Alston Duncan, Jr. and Thomas Duncan ("Appellants") hereby appeal the Order by the Court of Common Pleas dated September 10, 2010, and filed on September 14, 2010 (Exhibit A) and the Order Denying Appellants' Motion to Reconsider dated November 10, 2010 and filed November 19, 2010 (Exhibit B). The Order Denying Appellants' Motion to Reconsider was received by Appellants on November 29, 2010.

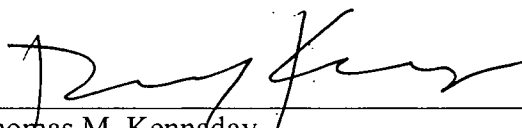
RECEIVED

DEC 02 2010

SC Court of Appeals

(Signature page to follow.)

December 2, 2010



Thomas M. Kennaday
Turner Padgett Graham & Laney P.A.
Post Office Box 1473
Columbia, SC 29202
Phone: (803) 254-2200
Fax: (803) 799-3957

ATTORNEYS FOR APPELLANTS

Other Counsel of Record:

Brian Dumas, Esquire
Peake Fowler & Associates, PA
9357 Two Notch Road, Ste. 103
Columbia, SC 29223

ATTORNEYS FOR RESPONDENTS

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court Of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Case No: 2010-CP-0044
Case No.: 2010-CP-40-2812

Rose Ann Voyles and Mary Liverman,Respondent,

v.

Howard Alston Duncan, Jr. and Thomas Duncan, Appellants.

PROOF OF SERVICE

I certify that on December 2, 2010, I have served a copy of the Appellants'

Notice of Appeal and Proof of Service by hand-delivery to:

Brian Dumas, Esquire
Peake Fowler & Associates, PA
9357 Two Notch Road, Ste. 103
Columbia, SC 29223

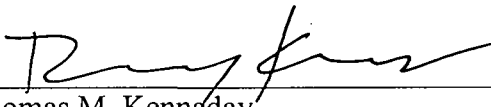
RECEIVED

DEC 02 2010

SC Court of Appeals

ATTORNEYS FOR RESPONDENT

December 2, 2010


Thomas M. Kennaday
Turner Padgett Graham & Laney P.A.
Post Office Box 1473
Columbia, SC 29202
Phone: (803) 254-2200
Fax: (803) 799-3957

ATTORNEYS FOR APPELLANT

TURNER PADGET

TURNER PADGET GRAHAM & LANEY P.A.

CHARLESTON
COLUMBIA
FLORENCE
GREENVILLE
MYRTLE BEACH

REPLY TO:

Thomas M. Kennaday

E-Mail: TKennaday@TurnerPadget.com
Writer's Direct Dial: (803) 227-4290
Direct Fax: (803) 400-1553

December 2, 2010

HAND-DELIVERY

The Honorable Tanya Gee
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

Re: Howard Alston Duncan, Jr. and Thomas Duncan v. Rose Ann Voyles and
Mary Liverman
Case No.: 2010-CP-40-0044
Case No.: 2010-CP-40-2812

Dear Ms. Gee:

Enclosed please find the originals and one copy each of the Notice of Appeal and Proof of Service regarding the above-referenced matter. Copies of the Orders being challenged are attach as exhibits to the Notice of Appeal.

- (1) Our check for the \$100.00 filing fee; and
- (2) A copy of our December 2, 2010, letter requesting the transcript of the appeal before the South Carolina Court of Common Pleas.

It would be greatly appreciated if you would please file the original Notice of Appeal and Proof of Service and return clocked copies to me via our office courier. Thank you for your assistance with this matter, and please contact me if you have any questions.


RECEIVED

DEC 02 2010

SC Court of Appeals

Sincerely,

TURNER, PADGET, GRAHAM & LANEY, P.A.



Thomas M. Kennaday

TMK:ssm
Enclosures
cc: Brian Dumas, Esquire

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Bank of America Plaza • 17th Floor • 1901 Main Street (29201) • PO Box 1473 • Columbia, SC 29202
Phone (803) 254-2200 • Fax (803) 799-3957 • turnerpadget.com

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 Howard Alston Duncan, Jr., and)
 Thomas Duncan,)
)
 Plaintiffs,)
)
 v.)
)
 Rose Ann Voyles and)
 Mary Liverman,)
)
 Defendants.)

IN THE COURT OF COMMON PLEAS
 Civil Action No.: 2010 CP 40-00044

ORDER
RECEIVED
 DEC 02 2010
SC Court of Appeals

RICHLAND COUNTY
 FILED
 2010 SEP 14 AM 11:36
 JEANETTE W. McBRIDE
 C.C.P. & G.S.

On June 29, 2010, counsel for the parties came before the Court on Defendants' Motion to Dismiss or Change Venue Pursuant to SCRCP 12. Also before the Court was Plaintiffs' motion to consolidate the above captioned action with civil action 2010 CP 40-02812. The motion to consolidate was filed less than 10 days before the hearing and was not scheduled to be heard on June 29, 2010, but counsel for Defendants consented to the Court hearing the motion and consented to consolidation if there was anything left to consolidate.

Defendants' Motion to Dismiss was made pursuant to Rule 12(b)(6). Accordingly, the Court considered the arguments of the parties and the Complaint. The Court accepted the allegations in the Complaint as true for purposes of the motion, and did not consider any facts from outside the Complaint.

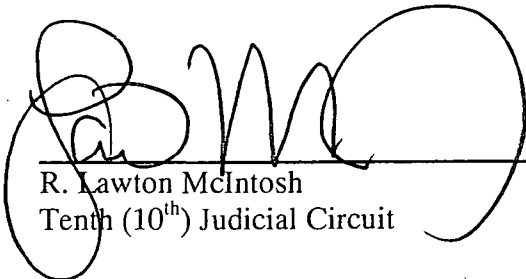
The Complaint alleges Civil Conspiracy and Tortious Interference with an Inheritance. Both causes of actions allege interference with inheritance rights, and as such, the Complaint is fatally defective and fails to state a claim for which relief can be granted. See *Douglass ex rel. Louthian v. Boyce*, 519 S.E. 2d 802 (Ct. App. 1999).

The motion to change venue is denied. The most substantial part of the alleged acts on which the claims are based are alleged to have taken place in Richland County and, therefore, venue is proper in Richland County. See S.C. Code Ann. §15-7-30(C)(2).

The Motion to Consolidate was consented to. Accordingly, to the extent applicable, the actions are consolidated under CA No. 2010-CP-40-0044.

Claims under CA No. 2010-CP-40-2812 for (1) Civil Conspiracy and (2) Tortious Interference with inheritance rights are also fatally defective and therefore dismissed pursuant to Rule 12(b)(6), SCRCF, inasmuch as both causes of action alleged interference with inheritance rights. This ruling is further based upon judicial economy and upon Plaintiff's consent to the Motion to Consolidate.

AND IT IS SO ORDERED.



R. Lawton McIntosh
Tenth (10th) Judicial Circuit

Anderson, South Carolina
September 10, 2010

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO: 2010CP4000044

Howard Alston Duncan Jr

vs.

Rose Ann Voyles

Plaintiff

Defendant

CHECK ONE:

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**
 - Rule 12(b), SCRPC;
 - SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other:
- ACTION STRICKEN (CHECK REASON):**
 - Rule 40(j) SCRPC;
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Other: _____

JEANETTE W. McBRIDE
 C.C.P. & G.S.
 Bankrupt
 2010 SEP 24 AM 11:43
 RICHLAND COUNTY
 FILED

DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):

- Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:

- See attached order;
- Statement of Judgment by the Court:

Dated at Columbia, South Carolina, this _____ day of _____, 2010.

PRESIDING JUDGE

This judgment was entered on the _____ day of _____, 2010, and a copy mailed first class this 14th day of September, 2010, to attorneys of record or to parties (when appearing pro se) as follows:

Thomas M Kennaday

Brian Dumas

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Jeanette W. McBride

Clerk of Court

Howard Alston Duncan, Jr. and Thomas Duncan v. Rose Ann Voyles and Marry Liverman

CHECK ONE:

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**
 - Rule 12(b), SCRPC;
 - Rule 41(a), SCRPC (Vol. Nonsuit);
 - Rule 43(k), SCRPC (Settled);
 - Other:
- ACTION STRICKEN (CHECK REASON):**
 - Rule 40(j) SCRPC;
 - Bankruptcy;
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Other: _____

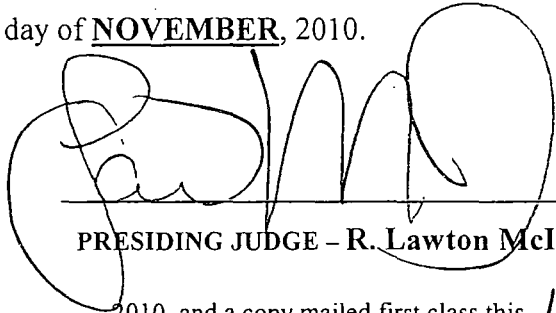
RICHLAND COUNTY
 FILED
 2010 NOV 19 PM 1:51
 JEANETTE W. McBRIDE
 C.C. & G.S.

IT IS ORDERED AND ADJUDGED: See attached order; Statement of Judgment by the Court:

Plaintiffs Alston Duncan and Thomas Duncan's Motion to Reconsider is DENIED.

Dated at ANDERSON, South Carolina, this 10th day of NOVEMBER, 2010.

Court Reporter: _____



PRESIDING JUDGE - R. Lawton McIntosh

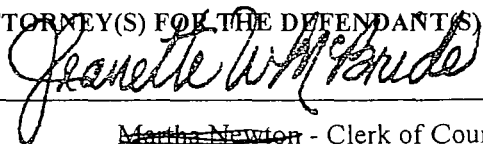
This judgment was entered on the Nov day of _____ 2010, and a copy mailed first class this 19 day of _____, 2010 to attorneys of record or to parties (when appearing pro se) as follows:

THOMAS M. KENNADAY

ATTORNEY(S) FOR THE PLAINTIFF(S)

BRIAN DUMAS

ATTORNEY(S) FOR THE DEFENDANT(S)



~~Martha Newton~~ - Clerk of Court