

The South Carolina Court of Appeals

Harold Estes Blackwell, Jr., Appellant,

v. .

Anita Jane Miller, Miracle Hill Ministries, Inc., and
William Fisk, Respondents.

Appellate Case No. 2017-002618

ORDER

Respondent Miracle Hill Ministries, Inc. (Miracle Hill) has filed a motion to dismiss this appeal, arguing Appellant failed to timely serve Miracle Hill with the notice of appeal. Miracle Hills argues that Appellant's motion to reconsider did not toll the time for serving the record on appeal because Appellant's motion referenced Rule 60(b), SCRCP.

After careful consideration, the motion to dismiss is denied because Appellant's motion for reconsideration is construed as a motion to alter or amend under Rule 59(e), SCRCP, which tolls the time for serving the notice of appeal pursuant to Rule 203(b)(1), SCACR. *See Richland County v. Kaiser*, 351 S.C. 89, 94, 567 S.E.2d 260, 262 (Ct.App.2002) ("It is the substance of the requested relief that matters 'regardless of the form in which the request for relief was framed.'").

Columbia, South Carolina



FOR THE COURT

cc:

Harold Estes Blackwell, Jr.
Adam Crittenden Bach, Esquire
Carrie Hailman O'Brien, Esquire
Melegia Lee Daniels, Jr., Esquire

FILED

June 27, 2018