

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT
CIVIL ACTION NO.: 2015-CP-265633

Bobby Foster,

Plaintiff,

vs.

Julian Neil Armstrong,

Defendant.

ORDER

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SC COURT of Appeals
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PLAINTIFF'S ATTORNEY:
DEFENDANT'S ATTORNEY:
HEARING DATE:
PRESIDING JUDGE:

MATTHEW NALL, ESQUIRE
LINDA WEEKS GANGI, ESQUIRE
FEBRUARY 27, 2016
BENJAMIN H. CULBERTSON

The Plaintiff filed a Motion to Reconsider this Court's Order dated October 21, 2016 and filed October 26, 2016 setting aside the Order for Publication and setting aside the Order for Entry of Default and Referral for Hearing on Damages. Plaintiff's counsel seeks to have this Court reconsider its October 21, 2016 Order so that this litigation is not precluded by the Statute of Limitations. The issue of the Statute of Limitations is not properly before this Court.


Based on the failure of the original Summons filed with the Court to comply with Rule 4(b) of the *South Carolina Rules of Civil Procedure*, the failure of the publication to include the date of filing of the Summons and Complaint as required by S.C. Code Ann. §15-9-740, the failure to properly publish the Summons, and the failure of the Plaintiff to use reasonable diligence in locating the Defendant as required by S.C. Code Ann. §15-9-740, this Court found in its October 21, 2016 Order that the Summons is defective and that service of the Summons and Complaint was not properly perfected on the Defendant. Thus, this Court has no personal jurisdiction over the Defendant. The Order for Publication and the Order for Entry of Default and Referral for

Hearing on Damages were properly set aside and declared null and void and of no force and effect in this Court's Order of October 21, 2016.

This Court having reviewed all information provided to it by the parties and heard both parties' arguments on the issues raised in the Plaintiff's Motion to Reconsider, the Plaintiff's Motion to Reconsider is hereby denied.

AND IT IS SO ORDERED this the 16 day of March, 2017.

In Chambers


The Honorable Benjamin H. Culbertson
Chief Administrative Judge of the Fifteenth
Judicial Circuit