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STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM Horry COUNTY
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Case No. 2014-CP-26-07617

Jerald W. Jones Appellant

v.

Captains Harbour and Racquet Club
Homeowners Association, Inc. Respondent

NOTICE OF APPEAL

John M. Leiter, Esq.
Law Offices of John M. Leiter, PA
1203 48th Ave., North, Suite 109
Myrtle Beach, SC 29577
(843) 449-1451
Attorney for Appellant

Douglas Walker MacKelcan, III, Esq.
Carlock Copeland
40 Calhoun Street, Suite 400
Charleston, SC 29401
(843) 266-8228
Attorney for Respondent

September 20, 2018

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SEP 24 2018
SC Court of Appeals

NOTICE OF APPEAL

Appellant Jerald W. Jones appeals the Final Order of the Honorable R. Lawton McIntosh, Circuit Court Judge dated April 7, 2016 and clocked on April 12, 2016. Appellant filed a Motion for Reconsideration. A Form 4 Order denying the Motion for Reconsideration was entered on October 4, 2016. Copies of the two orders are attached to this Notice as Exhibits A and B, respectively.

Appellant originally filed his Notice of Appeal on November 15, 2016, pending the entry of a Final Order of Judgment, being assigned Appellate Case No. 2016-0002299. Numerous communications with counsel for both parties in the underlying Common Pleas action indicated that no one was aware of the entry of a Final Order of Judgment, and no one had been served with a Final Order of Judgment. The Clerk of the Court of Appeals wrote to Appellant's counsel on March 15, 2017 asking for the status of the Final Order. Judge McIntosh and Defendant's counsel were both copied on that letter (attached as Exhibit C). Because no Final Order had been served, Appellant's counsel wrote to the Court of Appeals regarding the status of the formal Final Order (see attached Exhibit D). The Court then entered an Order of Dismissal of the Appeal on April 19, 2017 and the matter was remitted to the lower court on May 16, 2017.

It now appears as though Judge McIntosh or the Clerk of Court filed the Order of Judgment on November 28, 2016, while this case was originally pending in the Court of Appeals; however, the Order was never served on either party or attorney representing either party. A copy of Judge McIntosh's Final Order is attached hereto as Exhibit E. Although the Final Order is stamped "COPIES MAILED", service of the Final Order has not actually been

perfected. Counsel for the parties have not yet been served with a copy of the Final Order.

For the reasons set forth above, the Appellant files this Notice of Appeal of Judge McIntosh's Final Order.

A handwritten signature in black ink, appearing to read "John M. Leiter", is written over a horizontal line. The signature is stylized and includes a large circular flourish on the left side.

John M. Leiter
Law Offices of John M. Leiter, PA
1203 48th Ave., North, Suite 109
Myrtle Beach, SC 29577
(843) 449-1451
Attorney for Appellant

September 20, 2018

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Jerald W. Jones Appellant


v.

Captains Harbour and Racquet Club
Homeowners Association, Inc. Respondent

PROOF OF SERVICE

I certify that I have served the **Notice of Appeal** by depositing a copy of it in the U.S. Mail on September 21, 2018, addressed to the attorney of record:

Douglas Walker MacKelcan, III, Esq.
Carlock Copeland
40 Calhoun Street, Suite 400
Charleston, SC 29401


Suzy Pettipas, Paralegal to John M. Leiter, Esq.

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1203 48th Ave., North, Suite 109
Myrtle Beach, SC 29577
(843) 449-1451

Office of the Attorney for Appellant

September 21, 2018

LAW OFFICES OF
JOHN M. LEITER, PA
ATTORNEY AND COUNSELOR AT LAW

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MYRTLE BEACH, SC 29577

TELEPHONE (843) 449-1451
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September 21, 2018

Honorable Jenny Abbott Kitchings
Clerk of the Court
South Carolina Court of Appeals
Post Office Box 116929
Columbia, South Carolina 29211

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Re: *Captains Harbour and Racquet Club Homeowners Association, Inc.*
v. Jerrald W. Jones
Appeal from Horry County

Dear Ms. Kitchings:

Enclosed is the original and one copy of our Notice of Appeal and Proof of Service in the above action. I would appreciate your filing the originals and returning the clocked copies to me in the enclosed, self-addressed, stamped envelope.

This matter is unusual in that we originally filed the Notice of Appeal before the final order had been entered. It seems that now the final order was entered, but has never been served. For this reason, I am re-filing the Notice of Appeal at this time.

Finally, please find enclosed my firm's check in the amount of \$100.00 to cover the filing fee.

Thank you for your assistance in this matter.

Sincerely yours,

LAW OFFICES OF JOHN M. LEITER, PA

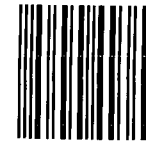

John M. Leiter

JML/smp
Enclosures

cc: Douglas W. MacKelcan, III, Esq.
Jerrald Jones



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LAW OFFICES OF JOHN M. LEITER, PA

ATTORNEYS AND COUNSELORS AT LAW

1203 48TH AVE. N. SUITE 109

MYRTLE BEACH, SC 29577

To: Honorable Jenny Abbott Kitchin

Clerk of the Court

South Carolina Court of Appeals

Post Office Box 116929

Columbia, South Carolina 29211

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