

THE STATE OF SOUTH CAROLINA

88035

In The Court of Appeals

APPEAL from Court of Common Pleas of CHARLESTON COUNTY

J.C. Nicholson, Circuit Court Judge

CASE NO. 2014-CP-10-5355
Appellate Case No. 2016-000748

RECEIVED
OCT 05 2018
SC Court of Appeals

In RE: Estate of Norman R. Knight, Jr., (deceased), and Estate of Mildred C. Knight, (deceased), and Norman Robert 'Bobby' Knight, III, Appellants,

v.

Beatrice A. Whitten, as a Special Administrator, and Chloe Knight-Tonney, Claimant, Respondents,

PETITION FOR REHEARING

COMES NOW the Appellants, calling the Court's attention to the following issues that result from the Court's holdings affirming the decisions of the lower courts or forgiving the error of the lower courts; and Appellants request a rehearing for further review on the following bases:

1. To commence a civil action in the probate court, the claimant must file and then serve a summons and complaint; Respondent did not comply with Rule 5(d), SCRPC.; Appellants did argue this point in the Probate Court;
2. To serve as a Probate Court judge in South Carolina the person must become a qualified elector of the county in which he is to be a judge; Judge Kenneth E. Fulp, Jr. is a Beaufort County resident, and dual office holding is patently illegal and his decisions are void;
3. The lower courts did not provide Appellants an opportunity for a fair trial because redacted material was not disclosed and the Courts decided the material was not relevant without reviewing the information;

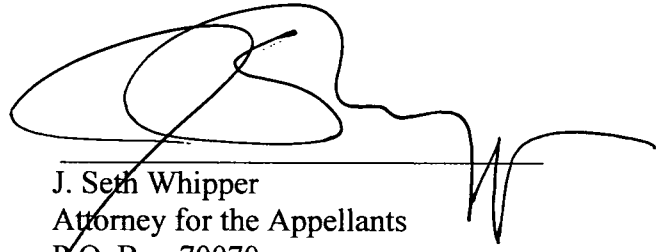
4. Chloe Knight-Tonney's claim is an equitable action. Respondent Knight-Tonney is a volunteer with only an implied contract, and she has consistently requested restitution;
5. This Court has confused the decedent's estate with the incapacitated's estate, and is not recognizing that the Order under appeal dealt with Mildred C. Knight's appointment as Guardian;
6. This Court should not affirm a payment arrangement where court-appointed fiduciaries intentionally fail to disclose the conditions of the arrangement even though they were court-ordered to discuss details with Mrs. Knight;
7. This claim is not an action at law; it is a claim for equitable relief entitling the Appellants to de novo review that will show the abuse of discretion and preponderance of evidence in favor of the Appellants;
8. A further review of the circumstances show that the claim was filed untimely;
9. Appellants cited three cases and a statutory subpart dealing specifically with claims as support for its arguments;
10. According to law, Attorney's fees are a peculiar item and the recovery of attorney's fees are limited to certain persons by statute except under certain circumstances and, at law, Respondent Knight-Tonney does not qualify;
11. The record contains ample substance that demonstrates that Beatrice A. Whitten should not be the Special Administrator for the Norman R. Knight, Jr. Estate.

Wherefore, having recited these issues, Appellants request a rehearing of this appeal.

Signature on Next Page

Respectfully Submitted,

October 4, 2018



J. Seth Whipper
Attorney for the Appellants
P.O. Box 70070
North Charleston, SC 29415
843-740-7777

Other Counsel of Record:

Beatrice E. Whitten, Esquire
C. Mac Gibson, Esquire

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(deceased), and Norman Robert 'Bobby' Knight, III, Appellants,

v.

Beatrice A. Whitten, as a Special Administrator, and Chloe Knight-Tonney, Claimant,
Respondents,

MEMORANDUM IN SUPPORT OF PETITION FOR REHEARING

J. Seth Whipper
WHIPPER LAW FIRM
P.O. Box 70070
N. Charleston, South Carolina 29415
(843) 740-7777
(843) 740-9108
Attorney for Appellants

ARGUMENTS

I. LOWER COURTS ERRED BY ACTING ON A PETITION FILED AND SERVED WITHOUT SUMMONS.

“In South Carolina , a civil action is commenced by filing and serving a summons and complaint. Until an action is commenced, there is no proceeding pending and, thus, nothing to refer.” Chabek v. Nationwide Mutual Fire Ins. Co., 303 S.C. 26,28, 397 S.E. 2d 786,787 (Ct. App. 1990). Since 1985, the South Carolina Rules of Civil Procedure, through Rules 1 and 81, and pursuant to S. C. Code sec. 14-23-280 and sec. 62-1-304, have always required the filing of a summons and complaint in Probate Court matters. See, In Re: Estate of Timmerman, 331 S.C. 455, 502 S.E. 2d 920, 922 (Ct. App. 1998); Weeks v. Drawdy, 495 S.E. 2d 454 (Ct. App. 1997); Truluck v. Synder, 362 S.C. 108, 606 S.E.2d 792 (Ct. App 2004); LaFaye v. Timmerman, 502 S.E. 2d 920 (Ct. App. 1998). See Summons Subcommittee: Probate, Estate Planning and Trust Section, Summons in Probate Court, p. 5-7 (January 21, 2010) (R. p. 283).

“ A void judgment is one that, from its inception, is a complete nullity and is without legal effect and must be distinguished from one which is merely voidable . 46 AmJur 2d, Judgments 331 (1994). Generally, a judgment is void only if a court acts without jurisdiction. Ross v Richland Co., 270 S.C. 100, 240 S.E. 2d 649 (1978). Irregularities which do not involve jurisdiction do not render a judgment void. Genobles v. West. 23 S.C. 154 (1885).” See, Thomas & Howard Company Inc. v. T.W. Graham and Co., 318 S.C. 286, 457 S.E. 2d 340 (1995). “ A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court. Old Wayne Mut. L. Assoc. v. McDonough, 204 U.S. 8, 27 S. Ct. 236 (1907). Proceedings in the Probate Court that are taken without the jurisdiction of the

court are **void ab initio** and such proceedings are not adjudications that can bind any party to the action. See Bradley, v. Rodelsperger, 17 S.C. 9 (1882). In Earle v. Cureton, 13 S.C. 19 (1880), the court observed that the Defendant, Cureton, had not been summoned to answer in the matter regarding his obligation as surety, then held that “ Under such circumstances the judgment is wholly void... The obligation of Cureton in this case did not waive the right of defense or furnish any authority for taking a judgment against him...” In the United States Supreme Court case, Elliott v. Perisol, 1 Pet. 328, 340, 26 U.S. 328, 340, 7 L.Ed. 164 (1828), the court ruled as follows “.... But if [a court] acts without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void, and form no bar to a remedy sought in opposition to them, even prior to a reversal. They constitute no justification, and all persons concerned in executing such judgments or sentence are considered in law as trespassers.” “ The language of Rule 5(d) is clear: the summons and complaint must be filed prior to their service.” McLain v. Ingram, 314 S.C. 359, 444 S.E. 2d 512 (1994) (per curium).

Respondent, Chloe Knight-Tonney, did not commence an action in the probate court and nothing that occurred has legal substance. Ms. Knight-Tonney’s claim is **void ab initio**. Chalek v. Nationwide Mutual Fire Ins. Co., id.

Please note that Appellant filed and argued the commencement issue before Judge Fulp and raised the issue in post- hearing motions before Judge Fulp issued his rulings on the challenged petitions. The motions were denied. (R.p. 24). (Attach. 1).

II. LOWER COURTS ERRED BY ALLOWING THE PROBATE COURT TO ACT WITHOUT A QUALIFIED ELECTOR SERVING AS THE SPECIAL JUDGE

A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court. Old Wayne Mut. L. Assoc. v. McDonough, 204 U.S. 8, 27 S. Ct. 236 (1907). The

Attachment # 1

1 claimant has failed to establish prima facie case
2 for allowance of the claim, that along with failing
3 to establish a case in chief that her claim was
4 also filed in the proper court within the proper
5 time on the years requirement.

6 ~~Also, they failed to also submit a~~
7 ~~claim in the proper form that we talked about, your~~
8 ~~Honor, on the summons, the petitions. Those would~~
9 ~~be the grounds.~~

10 THE COURT: All right, petition for
11 allowance.

12 Okay, Mr. Gibson, your response?

13 MR. GIBSON: Your Honor, just a couple
14 of things quickly. One is the -- procedurally, the
15 directed verdict is not proper. It has to be made
16 after my client had rested her case for the
17 directed verdict; therefore, that motion for a
18 directed verdict is procedurally flawed.

19 Secondly, your Honor, as to the
20 redaction, the Court had made a ruling. We
21 complied with the order of the court. It was not
22 appealed, and therefore that aspect of the motion
23 should be denied.

24 Also, the failure to respond to
25 disallowing the claim, again this Court had issued

Law provides that once State and Federal jurisdiction has been challenged, it must be proven. Main v. Thiboutot, 448 U.S. 1, 100 S. Ct.2502, 65 L.Ed.2d 55 (1980). S.C. Code 14-23-1040 sets a clear standard for who may serve as a judge in the probate court: no person is eligible to hold the office who has not become a qualified elector of the county in which he is to be a judge. The probate court allows for lay person judges and persons who are attorneys to serve as probate court judges. S.C. Code 14-23-1040. According to the Attorney General, an Associate Probate Judge must be a qualified elector of the county in which he or she is to be a judge. S.C. Op. Atty. Gen. (August 30, 2010) 2010 WL 3505049. The availability of other qualified electors to act as probate judges is the core of co-existence between the statutes involved in this issue. See, Astoria Federal Savings and Loan Association v. Soliminmo, 501 U.S. 104, 111 S. Ct. 2166, 115 L.Ed. 2d. 96 (1991) (legislative repeals by implication will not be recognized, insofar as two statutes are capable of co-existence “ absent a clearly expressed congressional intention to the contrary”); Palmettonet, Inc. v. S.C. Tax Covin., 318 S.C. 102,456 S.E. 2d 385 (1995).

Beaufort County Probate Court Judge Kenneth E. Fulp, Jr. is a Beaufort County resident. The appointment of Judge Fulp to the Probate Court for Charleston County, expands his office to another county. Dual office holding is patently incorrect. Richardson v. Town of Mt. Pleasant. 350 S.C. 291 (2002). Judge Fulp cannot sit as a Special Probate Judge for Charleston County, and his rulings and authority are null and void.

Appellants did not concede the venue issue. Judge Fulp agreed to hold all hearings in Charleston County. The venue issue was raised in 2010 before one of the disqualified judges. (See Attach. 2). Judge Blunt was replaced after the orders of the disqualified judges were vacated. The orders issued by Judge Fulp and Judge Blunt must be vacated.

Attachment # 2

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)
)
IN RE: ESTATE OF NORMAN)
)
KNIGHT, JR.,)
)
Bishop Gadsden,)
)
Petitioner)
)
v.)
)
Norman R. "Bobby" Knight,)
)
Respondent.)

IN THE PROBATE COURT
Case No.: 2008-ES-18-000402

TEMPORARY ORDER

PROBATE JUDGE
DORCHESTER COUNTY
2010 SEP -3 PM 2:43

Hearing Date: August 31, 2010
Presiding Judge: Tiffany N. Provence
Petitioner: Bishop Gadsden, C. William Trawick, CEO
Respondent: Bobby Knight
Attorney for Respondent: J. Seth Whipper, Esquire
Guardian for Decedent: Walter R. Kaufmann

A hearing was held before the Honorable Tiffany N. Provence on August 31, 2010, to determine whether a claim filed by the Petitioner against the Estate of Norman Knight, Jr. should be allowed. At the hearing, Respondent put forth a Motion to Dismiss for Lack of Venue and a Motion for a Continuance. The Court makes the following findings of fact and conclusions of law in regard to Respondent's motions.

MOTION TO DISMISS FOR LACK OF VENUE

The Court denies Respondent's Motion to Dismiss for Lack of Venue. Respondent argued that since the decedent was a resident of Charleston County and all property owned in this matter was located in Charleston County, the only venue appropriate to hear this matter is Charleston County. While Respondent is correct that venue would be proper in Charleston County, through an Order dated August 5, 2008 the South Carolina Supreme Court transferred

III. LOWER COURTS ERRED BY FAILING TO UNREDACT DOCUMENTS ADMITTED INTO EVIDENCE

A reviewing court may find abuse of discretion where an appellant shows that the lower court's conclusion is based upon an error of law or without evidentiary support.

Fontaine v. Peitz, 291 S.C. 536, 354 S.E. 2d 565 (1987). Judge Fulp committed an abuse of his discretion by supporting Respondents efforts to hide relevant, discoverable material.

Without seeing the "quashed" material and the information redacted in the October 16, 2007 letter, we cannot determine anything about its impact on Appellants' case. In otherwords, the rulings had no evidentiary support.

Appellants' cite to Knight v. Lee, 262 S.C. 17, 202 S.E. 2d 19 (1974) was used to support our contention on both "pro forma machinations" – withdrawing the "Queenie" claim (R.p. 19-22) (R.p. 303-306), and redacting the information in the October 16, 2007. (R.p. 105).

Appellants cited Crawford v. Henderson, 356 S.C. 389, 589 S.E. 2d 204 (Ct. App 2003) to support our contention of an error of law.

Please note that the Respondent is asking for \$9,283.06 in attorney fees and a great portion of that was for the family court matter. (R.p. 111, 107, 10). The uncontroverted family court attorney fee total is \$7,695.00.

Appellants should be allowed access to the subject material and given the opportunity to pursue the issues accordingly.

IV. LOWER COURT ERRED BY FAILING TO APPLY THE LAW OF UNCLEAN HANDS TO A CLAIM FOR EQUITABLE RELIEF

Chloe Knight-Tonney's claim is an equitable action. "This action for money paid was the appropriate action when the plaintiff's claim was in respect of money paid, not to the defendant, but to a third party, from which the defendant had derived a benefit. Historically,

the plaintiff had to show that the payment was made at the defendant's request : but we shall see that the law was prepared to "imply" such a request on certain occasions, in particular where the payment was made under compulsion of law or, in limited circumstances, in the course of intervention in an emergency on the defendant's behalf, which in this book we shall call necessitous intervention" Robert Goff & Gareth Jones. *The Law of Restitution* 3 (3d ed. 1986), (Harvard Law Review Association 1969).

"The essential elements of a quasi-contract are : (1) a benefit conferred upon the defendant by the plaintiff; (2) realization of that benefit by the defendant; and (3) retention by defendant of the benefit under conditions that make it inequitable for him to retain it without paying its value." 66 Am. Jur. 2d Restitution and Implied Contracts Section 4 (1973); Anno. 62 ALR. 3d 288, 294 (1975); Ellis v. Smith Grading and Paving Inc., 294 S.C. 470, 366 S.E. 2d 12 (1988). The decedent in the Howard case was far different from Norman R. Knight's circumstances, Howard, Matter of., 315 S.C. 356, 434 S.E. 2d 254 (1993). The Howard case involved executed promissory notes with interest obligations and other loans, all obtained by the decedent during his lifetime through his bargaining and business behaviors. Generally, in matters in which there is any conflict or variance between the rules of equity and the rules of the common law with reference to the same matter, the rules of equity prevail. Jaffe-Spindler Co. v. Genesco, Inc., 747 F.2d 253 (C.A.S.C. 1984).

The court needs to reverse itself on this holding.

V. LOWER COURTS ERRED BY FAILING TO RECOGNIZE THE LAW OF AUTOMATIC STAY PURSUANT TO S.C. CODE SEC. 62-1-308 (c)

The Probate Court Order on appeal at the pertinent time was the order changing the status of Mildred C. Knight, the decedent's widow. Norman R. Knight, Jr. was alive at this time and the order under appeal was issued by the therapeutic division of the Charleston County Probate Court. The status of Mildred C. Knight was front and center as it relates to the

Automatic Stay. The stay permitted her to remain as her husband's guardian. There was another order issue by Circuit Court Judge Roger M. Young that clarified the authority and status of the guardians. (R.p. 219-220). Mildred Knight was to remain both Guardian and Conservator pending the appeal. (R.p. 219). Walter Kaufmann was not authorized or recognized to perform any functions during the pending appeal. (R.p 219-220). All of Kaufmann's actions from that point and during the appeal were illegal, null, and void. Turner v. Malone 24 S.C. 398, 401-02 (1885);

The behavior of Kaufman and Knight-Tonney created the added expense to Norman R. Knight, Jr's estate. Kaufmann and Knight-Tonney moved Mr. Knight on allegations that were unsubstantiated and in some aspects contrary to professional medical opinion. (R.p. 157-158, 64-65). These failures by Respondent Tonney cannot be disregarded.

The court's ruling should be reversed.

VI. LOWER COURTS ERRED BY FAILING TO APPLY THE DOCTRINE OF FRAUD IN THE INDUCEMENT TO ENTER A CONTACT

The Guardian, Walter Kaufmann, and the Conservator, Family Services, Inc., by and through their agent, Iris Albright, misled the wife, Mildred C. Knight, into accepting the arrangement of care for Mr. Knight. These appointees made no effort to notify Mrs. Knight of any pertinent details despite their legal obligations to involve her in these decisions. (R. p. 159-160); (R.p. 61, L.19-63,L.4). The conduct of the Guardian and Conservator was their false representation. M.B. Kahn Const. Co. v. South Carolina Nat. Bank of Charleston, 275 S.C. 381, 271 S.E. 2d 414 (1980). See, Restatement (Second) of Contracts 161 and 173 (when the parties are in a fiduciary relationship, there is a duty to disclose material facts; failure to do so may constitute Fraud). Mr.& Mrs. Knight were induced into this agreement.

This court must reverse its holding.

VII. LOWER COURTS' ALLOWANCE OF RESPONDENT'S CLAIM IS AGAINST THE GREATER WEIGHT OF THE EVIDENCE AND AN ABUSE OF DISCRETION

This claim is not an action at law, but a claim for equitable relief entitling the Appellant to de novo review. In Judge Young's Order to Stay Proceedings Pending Appeal, he ruled as follows: "Violations of previous orders or the terms set forth in this order, that shall be cause for a Rule to Show Cause." Respondent Knight-Tonney and the others authored unsubstantiated allegations in a separate new action and created these unnecessary costs.

The de novo review will show that Mrs. Knight was not represented during the period of Mr. Knight's removal, and because she was never informed of these arrangements to give restitution to Respondent Knight-Tonney, she was induced into cooperating with the arrangement.

The Respondent offered no evidence of abuse or neglect. Tonney offered no evidence that Mr. Knight's removal from his home was necessary for his care. Respondent offered no evidence to establish that Mr. Knight's removal from his home delivered him from death. Howard, Matter of., 315 S.C. 356, 434 S.E. 2d 254 (1993).

Further, the de novo review would show that the mother was left with no substantial income (\$130.00 per month), because she was completely dependent on her husband and she had to contest the contempt of Respondent Knight-Tonney in order to maintain basic necessities. Mr. and Mrs. Norman R. Knight, Jr. had been married for nearly sixty (60) years and Mr. Knight always was the breadwinner. This relationship was no secret to the Respondent Knight-Tonney, but she totally disregarded her parents' relationship.

The court must reverse its holding.

VIII. LOWER COURTS ERRED IN HOLDING THAT RESPONDENT TONNEY'S CLAIM FOR REPAYMENT WAS TIMELY FILED

Ms. Tonney filed in the wrong county according to the order that moved the case to Dorchester County, (R.p. iii – 8.36). Ms. Tonney filed her claim in Charleston County on January 20, 2009, and then the claim was not filed or received in Dorchester County until January 22, 2009, at the earliest. (R. p 251). See, S.C. Code Sec. 62-3-801 (a), - 803 (a) (2).

Tonney's claim is untimely. Phillips v. Quick, 399 S.C. 226 , 731 S.E. 2d 327 (Ct. App. 2012).

IX. LOWER COURTS ERRED IN HOLDING THAT RESPONDENT CHLOE TONNEY HAD SATISFIED THE LEGAL REQUIREMENTS FOR CASE -IN-CHIEF

The Appellants' intent when citing S.C. Code Ann. 62-3-801. et. seq. (1980) was to refer only to Part 8, Creditors' Claims. The citation meets the standard recited in In Re McCracken, 346 S.C. 87, 92, 551 S.E. 2d 235, 238 (2001). When including the other authority cited in the argument, Howard, Matter of , 315 S.C. 356, 434 S.E. 2d 254 (1993) note 7 citing In re Estate of Kruger, 235 Neb. 518 455 N.W. 2d 809 (1990) and Stump v. Stump, 91 Md. 699, 47 A. 1034 (1900). Stump v. Stump, id., mentioned here because it is contained in the note. We do not believe Respondent Tonney was persuasive on any element mentioned and our reference to any item identified is to recognize the mere attempt.

The court must reverse its holding.

X. LOWER COURTS ERRED BY REIMBURSING RESPONDENT TONNEY FOR ATTORNEY FEES IN PARENTS' FAMILY COURT MATTER AND ALLOWING FULL INTEREST ON JUDGMENT

Respondent Knight-Tonney does not qualify to receive repayment of Attorney's fees involving Family Court litigation. If she were the party and died at the stage of litigation as Mr. Knight died, Knight- Tonney would be the deceased spouse in a family court matter that was dismissed with nothing owed to her. The Family Court did not order attorney's fees

to Respondent Knight- Tonney. Family Court attorney's fees in this situation are provided according to S.C. Code Ann. 20-3-145 (1979). Matter of Jennings 321.S.C.440, 468 S.E. 2d 869, rehearing denied (1996) and Huff v. Jennings , 319 S.C. 142, 459 S.E. 2d 886, rehearing denied, appeal dismissed (S.C. App. 1995) were cited to demonstrate the requirements for recovery of attorney's fees, i.e. Respondent Knight-Tonney is not an attorney.

Attorney's fees are a peculiar item according to law. Prevatte v. Asbury Arms, 302 S.C. 413, 396 S.E. 2d 642 (Ct. App. 1990). It is well established that attorney's fees are not recoverable unless authorized by contract or statute. Jackson v. Speed, 326 S.E. 289, 307, 486 S.C. 2d 750. 759 (1997). Knight-Tonney cannot meet these tests for receiving attorney's fees. There is no contract or statute that provides her eligibility for attorney's fees.

Finally, judgment interest must be adjusted according to period when the judgment becomes final. Howard, Matter of, 315 S.C. 356, 434 S.E. 2d 254 (1993).

XL. LOWER COURTS ERRED BY NOT REMOVING BEATRICE WHITTEN AS SPECIAL ADMINISTRATOR

The Record on Appeal contains the cross-examination of Beatrice Whitten (R.p 234-236). During the testimony she testifies that the Annuity documents raised no concern for Mr. Knight's only heir. (R.p. 234). She testified to e-mailing opposing counsel and not including all counsel. (R.p 234, 236). The record shows that she disregarded a direct order of the Probate Judge (R.p 293). (Attach. 3).

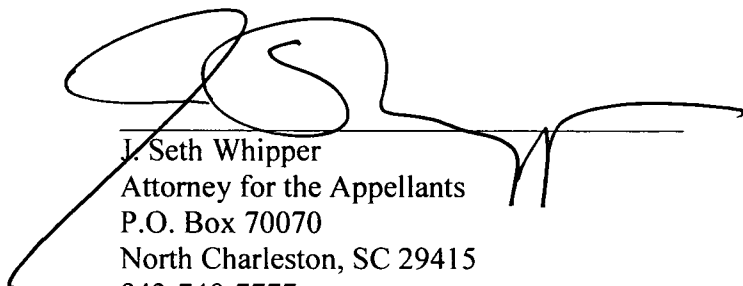
The Record substantiates that Whitten should not be the administrator for the Knight Estate. S.C. Code 62-3-703 (a) (2005).

CONCLUSION

Appellants are entitled to a rehearing in this matter.

Respectfully Submitted,

October 4, 2018


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843-740-7777

Other Counsel of Record:

Beatrice E. Whitten, Esquire
C. Mac Gibson, Esquire

THE STATE OF SOUTH CAROLINA

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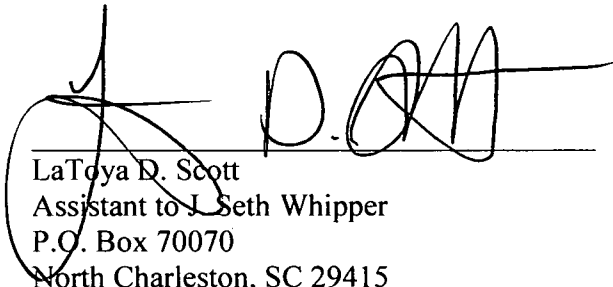
v.

Beatrice E. Whitten, as a special administrator, and Chloe Knight-Tonney, Claimant,
Respondents,

PROOF OF SERVICE

I certify that I have served 1 Original Copy of the Petition For Rehearing, 1 Original Memorandum In Support of Petition for Rehearing , 1 Original Proof of Service, and 6 Copies on South Carolina Court of Appeals by depositing a copy to them in the United States Mail, postage prepaid, on October 4, 2018, addressed to: Clerk, South Carolina Court of Appeals, Post Office Box 11629, Columbia, South Carolina 29211 and served the same on: Beatrice A. Whitten, Special Administrator, 1110A Queensborough Blvd., Mt. Pleasant, SC 29464; and C. Mac Gibson, Jr., 1118 Savannah Highway, Charleston, SC 29407.

October 4, 2018


LaToya D. Scott
Assistant to J. Seth Whipper
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J. SETH WHIPPER

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October 4, 2018

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
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U.S. Mail Only

Re: **In Re: Estate of Norman R. Knight, Jr., (deceased), Estate of Mildred C. Knight, (deceased), and Norman Robert "Bobby" Knight, III Appellants,**
v.
Beatrice E. Whitten, as a special administrator, and Chloe Knight-Tonney,
Claimant, Respondents.
Appellants' Case No.: 2016-000748
1 Original Appellants' Petition for Rehearing – For Filing
1 Appellants' Memorandum in Support of Petition for Rehearing- For Filing
1 Proof of Service- For Filing
6 Copies of Appellants' Petition for Rehearing, Memorandum in Support
for Petition of Rehearing, and Proof of Service - For Filing

Dear Ms. Kitchings:

Find enclosed 1 Original Appellants' Petition for Rehearing, Memorandum in Support of Petition for Rehearing, Proof of Service, and 6 copies. Also, find enclosed check number #10398 in the amount of \$25.00 for the filing fee. I've also enclosed a self-addressed, stamped envelope for the return of the Proof of Service.

By copy of this letter, I am serving a copy of the same on C. Mac Gibson, Esq. and Beatrice E. Whitten, Esq. attorneys for Respondents

Sincerely,
WHIPPER LAW FIRM


J. Seth Whipper, Esquire

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xc: Bobby Knight
Judith A. Brown



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Time Accepted 3:23 PM	10:30 AM Delivery Fee \$	Return Receipt Fee \$	Live Animal Transportation Fee \$
Special Handling/Fragile \$	Sunday/Holiday Premium Fee \$	Total Postage & Fees \$ 24.70	
Weight 1.8 lbs. 0 ozs.	Flat Rate <input type="checkbox"/>	Acceptance Employee Initials JW	
DELIVERY (POSTAL SERVICE USE ONLY)			
Delivery Attempt (MM/DD/YY) 10/5	Time <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature CS	

LABEL 11-B, OCTOBER 2016 PSN 7890-02-000-9996 3-ADDRESSEE COPY

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OCT 05 2018
SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post office Box 11629
Columbia, South Carolina 29211