

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM YORK COUNTY  
In The Circuit Court

William A. McKinnon, Circuit Court Judge

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Case No. 2017-CP-46-02339

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James Stephen Nivens and  
Carolyn Nivens,

**RECEIVED**  
JUN 27 2019  
Appellants,  
SC Court of Appeals

v.

JB & E Heating & Cooling, Inc.,

Respondent.

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NOTICE OF APPEAL

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James Stephen Nivens and Carolyn Nivens appeal the following orders:

Order Granting Defendant's Motion for Summary Judgment, filed March 18,  
2019, by the Honorable William A. McKinnon; and

Order denying Plaintiffs' Motion to Alter or Amend Judgment, filed May 31,  
2019, by the Honorable William A. McKinnon.

Appellants received written notice of entry of the final Order listed above on May 31,  
2019.

June 25, 2019

/s/ John Martin Foster  
Post Office Box 106  
Rock Hill, S.C. 29731-6106  
803 324-8100  
Attorney for Appellants

Other Counsel of Record:

James W. Boyd  
1544 Ebenezer Road  
Rock Hill, S.C. 29732  
Attorney for Respondent  
803 328-2600

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Appellants,

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Respondent.

CERTIFICATE OF SERVICE

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**RECEIVED**  
JUN 27 2019  
SC Court of Appeals

The undersigned, counsel for Appellants in the civil appeal above, hereby certifies that on the date written below he served copies of the following pleadings or documents in the above-captioned and numbered civil action:

Notice of Appeal, with referenced Orders; and  
this Certificate of Service

the original of which was sent to be filed with the Clerk of the Court for the Court named above,

by depositing the same with the United States Postal Service on the date above, with sufficient postage affixed and directed to the respective last known address(es) of those attorney(s) and/or persons set out below, or

by hand delivering copies of the same to the following persons, or by leaving the same at that person's office with that person's clerk or some other person in charge thereof, or by leaving it in a conspicuous place therein; or if the office was closed or the person to be served has no office, by

leaving a copy at that person's dwelling place or usual place of abode with some person of suitable age and discretion then residing therein:

/s/ John Martin Foster  
Attorney for Appellants

The Guardian Building  
223 East Main Street, Suite 520  
Rock Hill, SC 29730

Post Office Box 106  
Rock Hill, SC 29731-6106

803 324-8100  
803 324-8109: Fax  
jmfoster@comporium.net

June 25, 2019

Rock Hill, South Carolina

**JOHN MARTIN FOSTER**

*Attorney at law*

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The Guardian Building	PO Box 106	803 324 8100
223 East Main Street Suite 520	Rock Hill SC	803 324 8109 Fax
Rock Hill South Carolina 29730	29731-6106	jmfooster@comporium.net

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June 25, 2019

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

**RECEIVED**  
JUN 27 2019  
SC Court of Appeals

Re: James Stephen Nivens and Carolyn Nivens, Appellants  
v.  
JB & E Heating & Cooling, Inc., Respondent

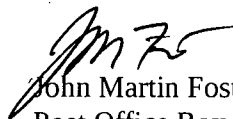
Case No.: 2017-CP-46-02339

Dear Ms. Kitchings:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the Respondent.
- (2) A copy of the orders which are to be challenged on appeal.
- (3) Our filing fee of \$150.00.

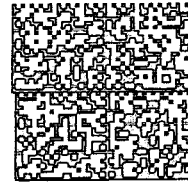
Sincerely,




John Martin Foster  
Post Office Box 106  
Rock Hill, South Carolina 29731  
803 324-8100  
Attorney for Appellants

jmf/  
enclosures

cc: James W. Boyd  
1544 Ebenezer Road  
Rock Hill, S.C. 29732  
Attorney for Respondent  
803 328-2600



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**\$1.60**  
06/25/19  
Mailed From 29730



**RECEIVED**  
JUN 27 2019  
SC Court of Appeals

**John Martin Foster Attorney**

223 East Main St Suite 520  
Post Office Box 106  
Rock Hill SC 29731-6106

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**TO:**

THE HONORABLE JENNY ABBOTT KITCHINGS  
CLERK OF THE COURT OF APPEALS  
POST OFFICE BOX 11629  
COLUMBIA, S.C. 29211