

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM ANDERSON COUNTY COURT OF COMMON PLEAS

R. LAWTON MCINTOSH, CIRCUIT COURT JUDGE

C. A. NO. 2017-CP-04-00431

and

C. A. No. 2017-CP-04-00432

RECEIVED

AUG 02 2019

SC Court of Appeals

Debbie Bannister, individually and as Personal Representative of
The Estate of Hazel L. Clerk,.....Respondents


vs.

Mary Sims Touchton; Faith, Hope and Charity Retirement, LLC; and
The Resting Place, LLC,.....Appellants

NOTICE OF APPEAL

Mary Sims Touchton; Faith, Hope and Charity Retirement, LLC; and The Resting Place, LLC, Appellants, appeal the order of the Honorable R. Lawton McIntosh dated July 9, 2019. Appellant received written notice of entry of this order via electronic filing on July 9 2019.

BANNISTER, WYATT & STALVEY, LLC


O. W. Bannister (SC Bar No. 506)

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Attorney for the Appellants

July 31, 2019

Other Counsel of Record:

Jennifer Spragins Burnett, Esq.

Anthony Lee Harbin, Esq.

Harbin and Burnett

P.O. Box 35

Anderson, SC 29621

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PROOF OF SERVICE

The undersigned hereby certifies that on July 31, 2019 the Notice of Appeal in the above-captioned matter was served upon counsel of record by placing a copy of same in the U.S. Mail, sufficient postage affixed thereto, addressed as follows:

Jennifer Spragins Burnett, Esq.
Anthony Lee Harbin, Esq.
Harbin and Burnett
P.O. Box 35
Anderson, SC 29621

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Attorney for the Appellants

July 31, 2019

BANNISTER, WYATT & STALVEY, LLC
ATTORNEYS AT LAW

O.W. BANNISTER | JOHN F. WYATT | JAMES W. BANNISTER | BRUCE W. BANNISTER | ALEX R. STALVEY

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401 PETTIGRU STREET - 29601 | PO BOX 10007 - 29603 | GREENVILLE, SC | PHONE: (864) 298-0084 | FAX: (864) 298-0146

July 31, 2019

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SC Court of Appeals

ATTN: Elizabeth Carter
S.C. Court of Appeals
P. O. Box 11629
Columbia, SC 29211

**RE: Debbie Bannister, individually and as Personal Representative of the Estate of Hazel L. Clark vs. Mary Sims Touchton; Faith, Hope and Charity Retirement, LLC, and The Resting Place, LLC
C.A. No.: 2017-CP-04-00431 and C.A. No. 2017-CP-04-00432**

Dear Ms. Carter:

Enclosed please find the original and one copy of the Notice of Appeal in the above referenced matter, along with Proof of Service of the same and our filing fee. Also enclosed are copies of the Orders filed in each case.

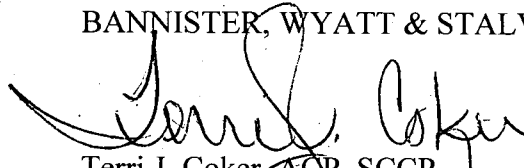
You may recall that we spoke regarding whether we would need to file two separate Notices because this involves a wrongful death action and a survival action which were consolidated for purposes of trial. The Order identifies both civil action numbers, they are mirror images of one another except for the electronic filing information on the right margin of each page, which indicates the same order was electronically filed in each case.

If I remember correctly, you were going to review the matter and let me know if we need to file another Notice of Appeal for C.A. No. 2017-CP-04-00432. I assume if we need to file two separate Notices, that I would need to file an amended one for 2017-CP-04-00431.

By copy of this letter and the enclosed Proof of Service, I am serving a copy of the Notice of Appeal upon opposing counsel.

Yours truly,

BANNISTER, WYATT & STALVEY, LLC


Terri J. Coker, ACP, SCCP
Paralegal to O. W. Bannister

/tjc

Enclosures

cc: Jennifer Spragins Burnett, Esq., w/enclosures
Anthony Lee Harbin, Esq., w/enclosures

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LAW OFFICES

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GREENVILLE, SOUTH CAROLINA 29603

To:

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