

STATE OF SOUTH CAROLINA

In the Court of Appeals

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APPEAL FROM DORCHESTER COUNTY

Court of Common Pleas

Maite D. Murphy, Circuit Court Judge

(Probate Case No. 2015-ES-18-00616)

Appellate Circuit Court Case No. 2018-CP-18-01079)

APPELLATE CASE NO. 2019-001649

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TWELVER PURNELL ORVIG, III,

Appellant,

Vs.

JANICE ORVIG,

Respondent.

**RECEIVED**  
OCT 21 2019  
SC Court of Appeals

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**APPELLANT'S RETURN TO RESPONDENT'S  
MOTION TO DISMISS**

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Appellant, Twelver Purnell Orvig, III, by and through his attorney, Karen M. DeJong, Esq., respectfully opposes Respondent's Motion to Dismiss the Appeal based upon the following facts:

1. The lower court's Order was electronically filed on August 26, 2019 through E-File.
2. Subsequently, Appellant filed a Notice of Appeal with regard to said Order. SCACR Rule 262(a)(2) states that filing may be accomplished by mail with sufficient postage

and that the date of filing shall be the date of the delivery **or the date of the mailing.**  
(*emphasis added*).

3. The Notice of Appeal was filed and served upon Respondent's counsel, Michael W. Sautter, Esq., and S.C. Court of Appeals on the date of mailing which was September 26, 2019. Attached hereto is the Affidavit of Karen M. DeJong, Esq. as **Exhibit A**.
4. Therefore, the Notice of Appeal was properly filed and served within the thirty (30) days contemplated in SCACR 203(b).
5. Further, Respondent has failed to comply with the S.C. Court of Appeals requirements when filing his Motion to Dismiss the Notice of Appeal. SCACR 240(c)(2) specifically states that each motion or petition shall include a Memorandum with citation of authorities in support of motion and SCACR 240(c)(3) which requires that Respondent shall file an Affidavit in support of his position in the event the Record on Appeal or Appendix has not been filed. (*emphasis added*)
6. The Record on Appeal and Appendix have not been filed in this matter. Nevertheless, no Memorandum or Affidavit was filed by Respondent in support of his Motion to Dismiss the Notice of Appeal.
7. A review of the record will clearly show that a grave injustice has been committed by Respondent and it will be in the interest of justice to have this matter reviewed by the S.C. Court of Appeals.

WHEREFORE, Appellant respectfully requests that Respondent's Motion to Dismiss the Notice of Appeal be denied.

October 18, 2019

Mount Pleasant, SC

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K. DeJong', is written over a horizontal line.

Karen M. DeJong, Esq.

S.C. Bar No. 70699

DeJong Law Firm, LLC

222 West Coleman Blvd., Ste. 110

Mt. Pleasant, SC 29464

Tel. No. 843-216-6161

[karen@dejonglawfirm.com](mailto:karen@dejonglawfirm.com)

Attorney for Appellant

**EXHIBIT A**

STATE OF SOUTH CAROLINA

In the Court of Appeals

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**AFFIDAVIT OF KAREN M. DEJONG**

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I, Karen M. DeJong, Esq., hereby attest as follows:

1. I am the attorney for the Appellant, Twelver Purnell Orvig, III.
2. I did not receive the E-File Order until August 28, 2019 as I was preparing for a trial in Berkeley County Circuit Court and did not have an opportunity to review my emails of August 26, 2019 until August 28, 2019.

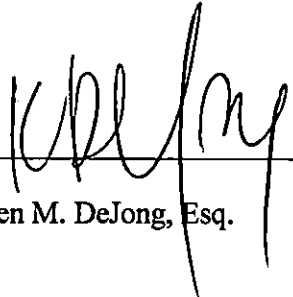
3. In addition, I have attached the Federal Express Proofs of Service of September 26, 2019 to the S.C. Court of Appeals and Respondent's attorney, Michael W. Sautter, Esq. for the Court's review.
4. The Notice of Appeal was timely filed. Based upon the foregoing, I respectfully request that Respondent's Motion to Dismiss be denied.

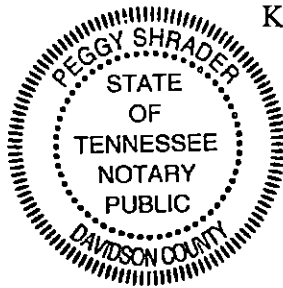
Sworn to before me this 18<sup>th</sup>

Day of October

Notary of Tennessee

My Commission Expires: 1-3-23

  
\_\_\_\_\_  
Karen M. DeJong, Esq.



# FWD: FedEx Shipment 776345339039 Delivered

karen@dejonglawfirm.com [karen@dejonglawfirm.com]

Sent: 10/18/2019 11:35 AM

To: karen@dejonglawfirm.com

Karen M. DeJong, Esq.  
 DeJong Law Firm, LLC  
 222 West Coleman Blvd., Ste. 110 @ COLEMAN EXECUTIVE CENTER  
 Mt. Pleasant, SC 29464  
 Tel. No. (843) 216-6161  
 Fax No. (843) 300-1080  
 karen@dejonglawfirm.com  
 Complex Civil Litigation, Corporate  
 Law, Real Estate and Probate Law

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 Date: 9/27/19 9:50 am  
 To: karen@dejonglawfirm.com

## Your package has been delivered

Tracking # 776345339039

Ship date:  
 Thu, 9/26/2019

Karen DeJong  
 DeJong Law Firm, LLC  
 Mount Pleasant, SC 29464  
 US



Delivery date:  
 Fri, 9/27/2019 9:46 am

Hon. Jenny Abbott Kitchings  
 S.C. Court of Appeals  
 1220 Senate Street  
 COLUMBIA, SC 29201  
 US



### Shipment Facts

Our records indicate that the following package has been delivered.

Tracking number:	776345339039
Status:	Delivered: 09/27/2019 09:46 AM Signed for By: R.SWAN
Reference:	orig
Signed for by:	R SWAN
Delivery location:	COLUMBIA, SC
Delivered to:	Receptionist/Front Desk
Service type:	FedEx Standard Overnight®
Packaging type:	FedEx® Envelope
Number of pieces:	1

**Weight:** 0.30 lb.  
**Special handling/Services:** Deliver Weekday  
**Standard transit:** 9/27/2019 by 3:00 pm

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# FWD: FedEx Shipment 776345356671 Delivered

karen@dejonglawfirm.com [karen@dejonglawfirm.com]

Sent: 10/18/2019 11:36 AM

To: karen@dejonglawfirm.com

Karen M. DeJong, Esq.  
 DeJong Law Firm, LLC  
 222 West Coleman Blvd., Ste. 110 @ COLEMAN EXECUTIVE CENTER  
 Mt. Pleasant, SC 29464  
 Tel. No. (843) 216-6161  
 Fax No. (843) 300-1080  
 karen@dejonglawfirm.com  
 Complex Civil Litigation, Corporate  
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Subject: FedEx Shipment 776345356671 Delivered  
 From: TrackingUpdates@fedex.com  
 Date: 9/27/19 12:05 pm  
 To: karen@dejonglawfirm.com

## Your package has been delivered

Tracking # 776345356671

Ship date:  
 Thu, 9/26/2019

Karen DeJong  
 DeJong Law Firm, LLC  
 Mount Pleasant, SC 29464  
 US

Delivery date:  
 Fri, 9/27/2019 12:03 pm

~~Query Sautter~~  
 Michael W. Sautter, Esq.  
 147 Wappoo Creek  
 Suite 202  
 CHARLESTON, SC 29412  
 US



Delivered




### Shipment Facts

Our records indicate that the following package has been delivered.

Tracking number:	776345356671
Status:	Delivered: 09/27/2019 12:03 P14 Signed for By: B.SYKES
Reference:	or /ig
Signed for by:	B. SYKES
Delivery location:	Charleston, SC
Delivered to:	Receptionist/Front Desk
Service type:	FedEx Standard Overnight®
Packaging type:	FedEx® Envelope

**Number of pieces:** 1  
**Weight:** 0.30 lb.  
**Special handling/Services:** Deliver Weekday  
**Standard transit:** 9/27/2019 by 3:00 pm

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STATE OF SOUTH CAROLINA

In the Court of Appeals

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APPEAL FROM DORCHESTER COUNTY

Court of Common Pleas

Maite D. Murphy, Circuit Court Judge

(Probate Case No. 2015-ES-18-00616)

Appellate Circuit Court Case No. 2018-CP-18-01079)

APPELLATE CASE NO. 2019-001649

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TWELVER PURNELL ORVIG, III,

Appellant,

Vs.

JANICE ORVIG,

Respondent.

**RECEIVED**  
OCT 21 2019  
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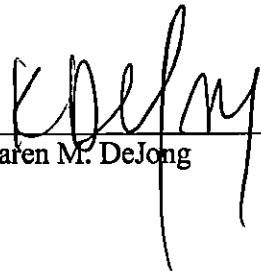
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**PROOF OF SERVICE**

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I, the undersigned, hereby certify that I have served a copy of the foregoing Appellant's Return to Respondent's Motion to Dismiss the Notice of Appeal on October 18, 2019, by overnight mail with sufficient postage attached thereto and addressed to: Respondent by way of his attorney, Michael W. Sautter, Esq., Query Sautter & Associates, LLC, 147 Wappoo Creek Drive, Suite 202, Charleston, SC 29412.

October 18, 2019  
Mount Pleasant, SC

  
\_\_\_\_\_  
Karen M. DeJong

DEJONG LAW FIRM, LLC  
222 West Coleman Blvd., Ste. 110  
Mt. Pleasant, SC 29464  
[karen@dejonglawfirm.com](mailto:karen@dejonglawfirm.com)  
Tel. No. 843-216-6161

SENT VIA FEDERAL EXPRESS

October 18, 2019

Hon. Jenny Abbott Kitchings  
S.C. Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

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OCT 21 2019  
SC Court of Appeals

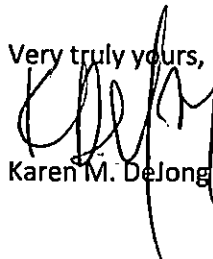
Re: Orvig v. Orvig  
Appellate Case No. 2019-001649

Dear Ms. Kitchings:

Enclosed please find original and six (6) copies of Appellant's Return to Respondent's Motion to Dismiss with regard to the above captioned matter. Kindly return a filed copy in the self-addressed stamped envelope which is enclosed for your convenience.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Karen M. DeJong

KMD:abc

Cc: Michael W. Sautter, Esq.

ORIGIN ID:RBWA (843) 216-6161  
KAREN DEJONG  
DEJONG LAW FIRM, LLC  
222 WEST COLEMAN BLVD.,  
SUITE 110  
MOUNT PLEASANT, SC 29464  
UNITED STATES US

SHIP DATE: 18OCT19  
ACTWGT: 1.00 LB  
CAD: 114543369/NET4160

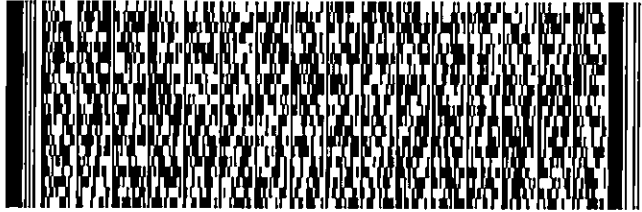
BILL SENDER

TO HON. JENNY ABBOTT KITCHINGS  
S.C. COURT OF APPEALS  
1220 SENATE STREET

COLUMBIA SC 29201

(843) 216-6161 REF: ORVIG  
INV. PO: DEPT:

567J3/2A3CJ05A2



MON - 21 OCT 3:00P

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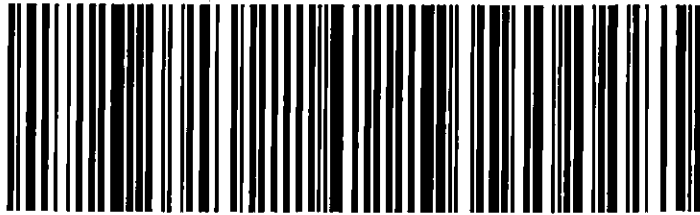
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OCT 21 2019

SC Court of Appeals

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