

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

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NOV 25 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

**MOTION TO REINSTATE**

Appellants, Mary Sims Touchton; Faith, Hope and Charity Retirement, LLC; The Resting Place, LLC, by and through their attorney, O. W. Bannister, moves the Court for an order reinstating this appeal. The basis for Appellants' motion is as follows:

- A. Appellants received correspondence from the Court dated October 30, 2019, wherein it stated the requirement to provide a status of the transcript;
- B. On November 1, 2019, attorney for Appellants wrote to the court reporter and mailed a copy of the letter to S.C. Office of Court Administration and opposing counsel;
- C. The Court's letter of October 30, 2019, and Rule 207 require Appellants to also copy the Clerk of the Appellate Court.
- D. Counsel for Appellants failed to provide a copy of the November 1, 2019 letter to the Clerk of Court of Appeals;
- E. As a result, the Court of Appeals issued an Order dismissing this appeal.

WHEREFORE, Appellants respectfully request an Order from the Court reinstating the appeal.

Respectfully submitted,

BANNISTER, WYATT & STALVEY, LLC



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

401 Pettigru Street (29601)

Post Office Box 10007 (29603)

Greenville, South Carolina

Phone: (864) 298-0084

Fax: (864) 298-0146

*Attorney for the Appellants*

November 22, 2019

Other Counsel of Record:

Jennifer Spragins Burnett, Esq.

Anthony Lee Harbin, Esq.

Harbin and Burnett

P.O. Box 35

Anderson, SC 29621

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM ANDERSON COUNTY COURT OF COMMON PLEAS

R. LAWTON MCINTOSH, CIRCUIT COURT JUDGE

APPELLATE CASE NO.: 2019-001290

**RECEIVED**

NOV 25 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

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**PROOF OF SERVICE**

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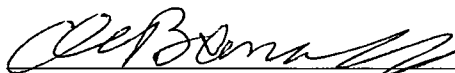
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The undersigned hereby certifies that on November 22, 2019 the Motion to Reinstate in  
the above-captioned matter was served upon counsel of record by placing a copy of same in the  
U.S. Mail, sufficient postage affixed thereto, addressed as follows, and via electronic mail:

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

Email: [jennifer@harbinlaw.com](mailto:jennifer@harbinlaw.com)  
Email: [aharbin@harbinlaw.com](mailto:aharbin@harbinlaw.com)

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Phone: (864) 298-0084  
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*Attorney for the Appellants*

November 22, 2019

BANNISTER, WYATT & STALVEY, LLC  
ATTORNEYS AT LAW

O.W. BANNISTER | JOHN F. WYATT | JAMES W. BANNISTER | BRUCE W. BANNISTER | ALEX R. STALVEY  
WILLIAM J. McDONALD | LUKE A. BURKE | MARCELO TORRICOS | J. ELIZABETH MCCOOL | R. CHRISTIAN CAPPS  
401 PETTIGRU STREET - 29601 | PO BOX 10007 - 29603 | GREENVILLE, SC | PHONE: (864) 298-0084 | FAX: (864) 298-0146

November 22, 2019

The Hon. V. Claire Allen, Deputy Clerk  
S.C. Court of Appeals  
P. O. Box 11629  
Columbia, SC 29211

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NOV 25 2019

SC Court of Appeals

RE: Debbie Bannister, individually and as Personal Representative of the Estate of  
Hazel L. Clark, Respondent  
vs.  
Mary Sims Touchton; Faith, Hope and Charity Retirement, LLC, and The Resting  
Place, LLC, Appellants  
Appellate Case No.: 2019-001290

Dear Ms. Allen:

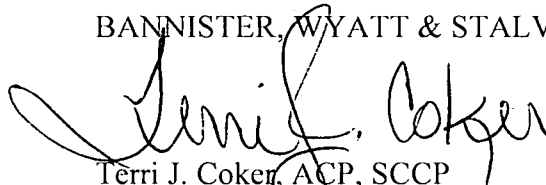
Enclosed please find the original and seven copies of the Motion to Reinstate and Proof of Service in the above-referenced appeal. Also enclosed is our check for \$50.00 and a self-addressed, stamped envelope. I would appreciate if you would return a clocked in copy in the envelope provided.

By copy of this letter and the Proof of Service, I am serving a copy of the Motion to Reinstate upon counsel of record via first class mail and electronic mail, as well as notifying the Office of Court Administration of this transmittal.

With kind regards, I remain,

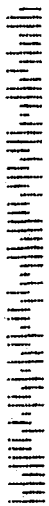
Yours truly,

BANNISTER, WYATT & STALVEY, LLC

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

Enclosures

cc: S.C. Office of Court Administration  
Jennifer Spragins Burnett, Esq.  
Anthony Lee Harbin, Esq.



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11/22/2019

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ZIP 29601  
041L11257247

LAW OFFICES

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ATTORNEYS AT LAW

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P.O. BOX 10007

GREENVILLE, SOUTH CAROLINA 29603

TO:

The Hon. V. Claire Allen, Deputy Clerk  
S.C. Court of Appeals  
P. O. Box 11629  
Columbia, SC 29211

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SC Court of Appeals