

THE STATE OF SOUTH CAROLINA  
South Carolina Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Honorable Marvin H. Dukes, III

Appellate Case No.: 2017-000620

**RECEIVED**  
JAN 27 2020  
SC Court of Appeals

BURTON FIRE DISTRICT.....Respondent,

vs.

CITY OF BEAUFORT.....Appellant.

And

BURTON FIRE DISTRICT.....Respondent,

vs.

TOWN OF PORT ROYAL.....Appellant.

CONSENT MOTION TO RECALL REMITTITUR  
AND ACCEPT PETITION FOR REHEARING

Please take notice that the Appellants, City of Beaufort and Town of Port Royal, through their undersigned attorneys, hereby move before the South Carolina Court of Appeals for an order recalling the Remittitur in this case and to accept the Appellant's Petition for Rehearing. The Petition was mailed, but was not received prior to Remittitur being issued.

It is respectfully requested that the South Carolina Court of Appeals recall the Remittitur and accept for filing and consideration the Appellant's Petition for Rehearing.

Undersigned counsel has consulted with opposing counsel and received consent to this motion as noted below.

WE MOVE:

WE CONSENT:

HOWELL, GIBSON & HUGHES, P.A.

MOSS, KUHN & FLEMING, P.A.

By: Mary Bass Lohr  
Mary Bass Lohr  
Post Office Box 40  
Beaufort, SC 29901-0040  
(843) 522-2400  
Attorney for Appellants  
Bar No: 16927

By: Mary Bass Lohr with Permission  
H. Fred Kuhn, Jr., Esquire  
Post Office Box 507  
Beaufort, SC 29901-0507  
(843) 524-3373  
Attorney for Respondent

Beaufort, South Carolina

January 27, 2020

THE STATE OF SOUTH CAROLINA  
South Carolina Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Honorable Marvin H. Dukes, III

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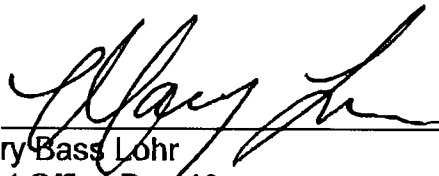
TOWN OF PORT ROYAL.....Appellant.

PROOF OF SERVICE

The undersigned counsel hereby certifies that she has served the foregoing Consent Motion to Recall Remittitur and Accept Petition for Rehearing upon all counsel of record by affixing same with proper postage and placing same with the United States Postal Service on 27 day of January, 2020 addressed to the following:

H. Fred Kuhn, Jr., Esquire  
Moss, Kuhn & Fleming, P.A.  
Post Office Drawer 507  
Beaufort, SC 29901-0507

HOWELL, GIBSON & HUGHES, P.A.

By:   
Mary Bass Lohr  
Post Office Box 40  
Beaufort, SC 29901-0040  
(843) 522-2400  
Attorney for Appellants

Beaufort, South Carolina

January 23, 2020

**HOWELL, GIBSON AND HUGHES, P.A.  
ATTORNEYS AT LAW**

Post Office Box 40  
Beaufort, South Carolina 29901-0040  
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WILLIAM H. COX, III  
NATHAN E. AKERS  
CATHERINE L. FLOEDER

JAMES S. GIBSON, JR \*  
Of Counsel

\* Certified Mediator

January 27, 2020

**RECEIVED**

JAN 27 2020

SC Court of Appeals

(Via Facsimile 803-734-1839 and  
Fed Ex: Tracking Number 7776 0885 7811)  
Hon. Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

Re: Burton Fire District vs. Town of Port Royal and City of Beaufort  
Civil Action No.: Appellate Case No.: 2017-000620  
Our File No: 11279 MBL

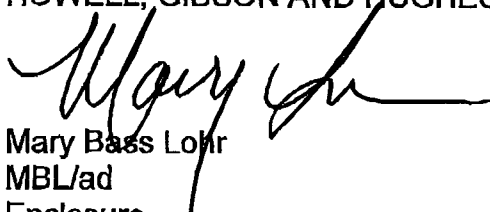
Dear Ms. Kitchings:

Please find enclosed herewith for filing an original and six (6) copies of the Consent Motion to Recall Remittitur and Accept Petition for Rehearing and Proof of Service with regard to the above referenced matter. Also enclosed is the firm's check in the amount of \$50.00 representing the appropriate filing fee. I would appreciate your filing the same and returning a filed clocked copy to me in the enclosed self-addressed, stamped envelope provided for your convenience.

With kindest regards, I am

Yours truly,

HOWELL, GIBSON AND HUGHES, P.A.



Mary Bass Lohr  
MBL/ad  
Enclosure

cc: H. Fred Kuhn, Jr. (via U.S. Mail)



**HOWELL, GIBSON & HUGHES, P.A.**  
P O BOX 40  
BEAUFORT, SC 29901-0040  
(843) 522-2400

1/27/2020

PAY TO THE ORDER OF S. C. Court of Appeals \$ 50.00

Fifty and 00/100 DOLLARS

S. C. Court of Appeals

AUTHORIZED SIGNATURE

MEMO  
11279 MBL



HOWELL, GIBSON & HUGHES, P.A.

80961

S. C. Court of Appeals

1/27/2020

Motion to Recall Remittitur  
Accept Petition for Rehearing

50.00

South State Bank

11279 MBL

50.00