

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY  
Court of Common Pleas.

RECEIVED

Benjamin H. Culbertson, Circuit Court Judge

JAN 30 2020

SC Court of Appeals

Appellate Case No. 2020-000034

April Brooke Cox, as Personal Representative  
of the Estate of Elijah Cox, deceased,

Appellant,

v.

State Farm Mutual Automobile Insurance  
Company and Glen Bauer, Jr.,

Respondents.

AFFIDAVIT

PERSONALLY appeared before me Hildegard L. Davis, who, under oath, states:

1. I am an employee of Peters, Murdaugh, Parker, Eltzroth & Detrick, P.A., ("PMPED") working as legal assistant to attorney Bert G. Utsey, III, in our firm's Charleston office.
2. On the afternoon of January 27, 2020, our office runner picked up the mail from PMPED's post office box located at the Sycamore Avenue Post Office in Charleston, South Carolina.
3. When he returned, he handed me an envelope from the South Carolina Court of Appeals addressed to BERT GLENN UTSEY, III, PO BOX 30968, CHARLESTON, SC 29417.
4. The envelope was postmarked in Columbia on "01/13/2020".
5. I asked our runner to date-stamp the envelope with the date received because I was aware of the missing mail from the South Carolina Court of Appeals in the Cox matter and wanted to

document the date we actually received the Court's correspondence.

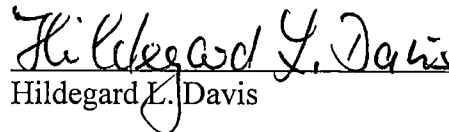
6. Two (2) separate USPS labels were attached to the envelope, both stating "UNABLE TO FORWARD / FOR REVIEW" one with a date of "01/23/20", and the other label having a date of "01/18/20". The labels are removable labels and were placed on top of one another in the lower right section of the envelope.

7. The attached scanned copy of the envelope and labels is a true and correct copy of the mail piece and attached labels received this day.

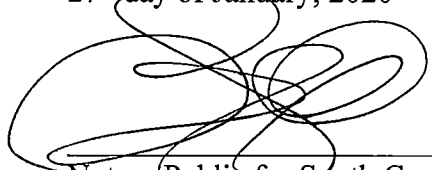
8. The mailing contained two pieces of correspondence from the South Carolina Court of Appeals in the above-captioned matter addressed to Mr. Bert Glenn Utsey, III, Esquire, both dated January 13, 2020.

9. The first letter gave notice of a deficiency noted in the Notice of Appeal and giving counsel ten (10) days to correct same; the other piece of correspondence was the acknowledgment of receipt of the notice of appeal, providing the appellate case number and title.

Further affiant sayeth not.

  
Hildegard L. Davis

SWORN to before me this  
27<sup>th</sup> day of January, 2020

  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_





**South Carolina Court of Appeals**

JENNY ABBOTT KITCHINGS, CLERK  
POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211

Hasler

FIRST-CLASS MAIL

01/13/2020

**US POSTAGE**

**\$00.50<sup>00</sup>**



ZIP 29201  
011D12602824

RECEIVED  
JAN 27 2020

BY: *IDS*

BERT GLENN UTSEY, III  
PO BOX 30968  
CHARLESTON SC 29417

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FWD

294170968

UNABLE TO FORWARD FOR REVIEW  
JAN 18/20  
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BC: 294170968 DU \*0554-01500-13-41

UNABLE TO FORWARD FOR REVIEW  
JAN 18/20  
\*\*\*\*\*

BC: 294170968 DU \*0554-01500-13-41

**SCANNED**

*sc*

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Respondents.

PROOF OF SERVICE

I certify that I have served a true and correct copy of the foregoing AFFIDAVT upon the Respondents herein by mailing same via U.S. First Class Mail, postage prepaid, on January 28, 2020, addressed to

Timothy A. Domin, Esquire  
CLAWSON & STAUBES, LLC  
126 Seven Farms Dr., Ste. 200  
Charleston, SC 29492

  
Bert G. Utsey, III, SC Bar No. 10093  
Post Office Box 30968  
Charleston, SC 29417  
(843) 818-4399  
Attorney for Appellant

January 28, 2020  
Charleston, South Carolina

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LEE D. COPE  
MATTHEW V. CREECH  
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706 ORLEANS ROAD, SUITE 101  
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RANDOLPH MURDAUGH, SR  
(1887-1940)  
RANDOLPH MURDAUGH, JR.  
(1915-1998)  
J. ROBERT PETERS, JR.  
(1927-2008)  
J. PAUL DETRICK  
(1948-2016)  
CLYDE A. ELTZROTH, JR.  
(INACTIVE)  
RANDOLPH MURDAUGH, III  
(OF COUNSEL)

January 28, 2020

Via Facsimile & U.S. First Class Mail  
The Hon. Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, SC 29211-1629

RE: April Brooke Cox v. State Farm  
Appellate Case No. 2020-000034

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JAN 30 2020  
SC Court of Appeals

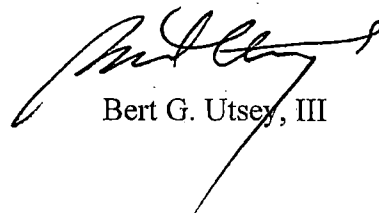
Dear Ms. Kitchings:

Supplementing my Motion to File Out of Time in the above-referenced appeal, enclosed is an original and seven copies of an Affidavit in support of said motion. Please return one date-stamped copy of the enclosed Affidavit to me in the provided self-addressed stamped envelope for my file.

By copy to counsel, I am serving the enclosed Affidavit upon the Respondent herein.

Thank you in advance for your kind assistance with this request.

Sincerely,



Bert G. Utsey, III

BGU/hd  
Enclosures

cc: Timothy A. Domin, Esquire  
Fred W. Riesen, III, Esquire

OTHER OFFICES: 101 MULBERRY STREET EAST, P.O. BOX 457, HAMPTON, SOUTH CAROLINA 29924 | TEL.: (803) 943-2111  
690 NORTH GREEN STREET, P.O. BOX 2500, RIDGELAND, SOUTH CAROLINA 29936 | TEL.: (843) 726-6131  
123 SOUTH WALTER STREET, P.O. BOX 1164, WALTERBORO, SOUTH CAROLINA 29488 | TEL.: (843) 549-9544

PETERS, MURDAUGH, PARKER,  
ELTZROTH & DETRICK, P.A.  
706 ORLEANS ROAD, STE. 101  
CHARLESTON, SC 29407



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JAN 8 0 2020  
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