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♦ Certified Mediator

ESTABLISHED 1895

Reply To: Florence

Telephone (843) 662-3258
Fax (843) 662-1342

March 6, 2020

RECEIVED
MAR 10 2020
SC Court of Appeals


FIRST CLASS MAIL
HONORABLE JENNY ABBOTT KITCHINGS
CLERK OF COURT
SOUTH CAROLINA COURT OF APPEALS
PO BOX 11629
COLUMBIA, SC 29211

Re: Roger D. Herrington II v. Roger Dale Herrington and Eunice M. Herrington
Civil Case No: 2018-CP-26-00789
Our File No.

Dear Ms. Kitchings:

Enclosed please find an original and one copy of our Proof of Service in connection with the above referenced action. We initially e-filed the Notice of Appeal with the Horry County Clerk of Court on February 19, 2020. This Notice of Appeal was not accepted until February 27, 2020 by the Horry County Clerk of Court. If you need anything further, please advise. Thank you for your assistance in this matter.

With kindest regards,


Walker H. Willcox
Email: wwillcox@willcoxlaw.com

WHW/asm
Enclosures
Cc: George E. Graham

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2018-CP-26-00789

RECEIVED
MAR 10 2020
SC Court of Appeals

Roger D. Herrington II Respondent,

v.

Roger Dale Herrington and Eunice M. HerringtonAppellants,


PROOF OF SERVICE

I certify that on February 18, 2020, I served the Notice of Appeal on the Respondent, through his attorney of record, by depositing a copy of same in the United States Mail, postage prepaid, to:

George E. Graham
P.O. Box 915
Conway, SC 29528
Attorney for Roger D. Herrington II

I certify that on February 19, 2020, I served the Notice of Appeal on the Horry County Clerk of Court, through the South Carolina Clerk of Court E-Filing System and the Notice of Appeal was filed and accepted with the Horry County Clerk of Court on February 27, 2020.

WILLCOX, BUYCK & WILLIAMS, P.A.

By: 
Walker H. Willcox I.D. No. 72608
Hugh L. Willcox Jr. I.D. No. 06116
PO Box 1909
Florence, SC 29503-1909
(843) 664-3373 - Tel - (843) 662-1342 - Fax
Attorneys for Appellants

March 6, 2020

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2018-CP-26-00789

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FEB 19 2020
SC Court of Appeals

Roger D. Herrington II Respondent,


v.

Roger Dale Herrington and Eunice M. Herrington Appellants,

NOTICE OF APPEAL

Roger Dale Herrington and Eunice M. Herrington appeal the Judgment and jury verdict issued on November 20, 2019, by the Honorable Benjamin H. Culbertson, and the Order denying Appellants' Motion for JNOV, Nisi Remittitur and/or New Trial pursuant to Rule 59, SCRCP, dated January 22, 2020, and received by Appellants on the same day.

February 18, 2020.


Walker H. Willcox #72608.
Hugh L. Willcox #06116
Willcox, Buyek & Williams, P.A.
PO Box 1909
Florence, S C 29503-1909
(843) 662-3258 - Tel.
(843) 662-1342 - Fax
Email: wwillcox@willcoxlaw.com
Attorneys for Appellants

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MAR 10 2020
SC Court of Appeals

Other counsel of Record:

George E. Graham
P.O. Box 915
Conway, SC 29528
Attorney for Roger D. Herrington II

FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF Horry
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2018CP2600789

Roger D Herrington, II
PLAINTIFF(S)

Roger Dale Herrington et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):** Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

Judgment granted in favor of the plaintiff, Roger D. Herrington, II, against the defendants, Roger Dale Herrington and Eunice M. Herrington, jointly and severable, in the amount of \$170,005.00.

ORDER INFORMATION

This order ends does not end the case.

See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 11/20/2019 .

RECEIVED

FEB 19 2020

SC Court of Appeals

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

E-Filing Note: The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

ELECTRONICALLY FILED - 2020 Feb 27 11:20 AM - Horry - COMMON PLEAS - CASE#2018CP2600789
ELECTRONICALLY FILED - 2019 Nov 20 3:06 PM - Horry - COMMON PLEAS - CASE#2018CP2600789



Horry Common Pleas

Case Caption: Roger D Herrington II VS Roger Dale Herrington , defendant, et al.
Case Number: 2018CP2600789
Type: Order/Electronic Form 4

Presiding Circuit Court Judge

s/Benjamin H. Culbertson, Judge Code 2148

Electronically signed on 2019-11-20 13:33:13 page 3 of 3

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ELECTRONICALLY FILED - 2019 Nov 20 3:06 PM - Horry - COMMON PLEAS - CASE#2018CP2600789

STATE OF SOUTH CAROLINA
COUNTY OF Horry
IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2018CP2600789

Roger D Herrington, II
PLAINTIFF(S)

Roger Dale Herrington et al
DEFENDANT(S)

DISPOSITION TYPE (CHECK ONE)

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- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled);
 Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded;
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court:

Defendants' Motion for JNOV, Nisi Remittitur or New Trial is DENIED.

This motion is decided on contents of defendants' motion and plaintiff's reply without oral arguments.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 01/21/2020 .

RECEIVED

FEB 19 2020

SC Court of Appeals

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

Court Reporter:

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ELECTRONICALLY FILED - 2020 Jan 22 8:39 AM - Horry - COMMON PLEAS - CASE#2018CP2600789



Horry Common Pleas

Case Caption: Roger D Herrington II VS Roger Dale Herrington , defendant, et al
Case Number: 2018CP2600789
Type: Order/Electronic Form 4

Presiding Circuit Court Judge

s/Benjamin H. Culbertson, Judge Code 2148

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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
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Benjamin H. Culbertson, Circuit Court Judge

Case No. 2018-CP-26-00789

Roger D. Herrington II Respondent,

v.

Roger Dale Herrington and Eunice M. Herrington Appellants,

PROOF OF SERVICE

I certify that on February 18, 2020, I served the Notice of Appeal on the Respondent, through his attorney of record, by depositing a copy of same in the United States Mail, postage prepaid, to:

George E. Graham
P.O. Box 915
Conway, SC 29528
Attorney for Roger D. Herrington II

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SC Court of Appeals

WILLCOX, BUYCK & WILLIAMS, P.A.

By: 

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Hugh L. Willcox I.D. No. 06116
PO Box 1909
Florence, SC 29503-1909
(843) 664-3373 - Tel - (843) 662-1342 - Fax
Attorneys for Appellants

February 18, 2020



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

February 20, 2020

Mr. Walker H. Willcox, Esquire
PO Box 1909
248 W. Evans Street
Florence SC 29503-1909

Mr. Hugh L. Willcox, Jr., Esquire
PO Box 1909
Florence SC 29501

Re: Roger Herrington, II v. Roger Dale Herrington
Appellate Case No. 2020-000267

Dear Counsel:

This Court has received your notice of appeal, and the case has been assigned the appellate case number that appears above. Please use this number on all future correspondence relating to this matter.

All parties to this matter are advised that all filings must comply with the requirements of Rule 267 of the South Carolina Appellate Court Rules (SCACR). The SCACR are available online at www.sccourts.org/courtreg. Additionally, any filings submitted by counsel admitted in South Carolina must include counsel's bar number.

The attention of the parties is directed to the order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the Supreme Court of South Carolina and the South Carolina Court of Appeals.

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The order can be found at www.sccourts.org/courtOrders/displayOrder.cfm?orderNo=2014-04-15-02. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will *not* review filings for redaction or to determine if materials should be sealed.

This is to advise that the title in the above matter should read as follows:

Roger D. Herrington, II, Respondent,

v.

Roger Dale Herrington and Eunice M. Herrington, Appellants.

All future records in this matter should reflect this title. If you have any questions, please do not hesitate to contact this office.

Very truly yours,



CLERK

cc: George E. Graham, Esquire

Willcox, Buyck &
Williams, P.A. Since 1895

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Florence, SC 29503-1909

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MAR 10 2020

SC Court of Appeals

HONORABLE JENNY ABBOTT KITCHINGS
CLERK OF COURT
SOUTH CAROLINA COURT OF APPEALS
PO BOX 11629
COLUMBIA, SC 29211

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