

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM DARLINGTON COUNTY

Roger E. Henderson, Circuit Court Judge

**RECEIVED**  
**Apr 14 2020**  
**SC Court of Appeals**

Appellate Case No. 2020-000327

Rodney Brock Hopkins .....Respondent.

v.

Mary Uptagrafft on behalf of Joshua B. Hopkins, Jacob T. Hopkins, Jensen M. Hopkins, & Johanna Hopkins.....Appellant.

NOTICE OF MOTION AND MOTION FOR DEFAULT

**TO: JOHN STEPHEN KEFFER, ESQUIRE, ATTORNEY FOR APPELLANT**

**YOU WILL PLEASE TAKE NOTICE** that Respondent, by and through the undersigned counsel, on the tenth day after service hereof or at such time and place as the Court may set, will move before the Court pursuant to Rule 207 of the South Carolina Appellate Court Rules for an Order of Default against Appellant for failure to timely respond to the March 11, 2020 and March 12, 2020 correspondence from The South Carolina Court of Appeals.

The motion is based upon the following grounds:

1. Appellant served his *Notice of Appeal* of February 21, 2020 on Respondent.

2. Deadline to properly file and serve notice of Appellant's order of transcript was March 2, 2020.
3. The South Carolina Court of Appeals sent correspondence to both parties dated March 11, 2020 stating the time for ordering transcript has expired.
4. As of the date of the filing of this motion, Respondent's attorney has received no notification that the transcript was ordered and no motion requesting permission to order outside of deadline has been filed by Appellant.
5. The South Carolina Court of Appeals sent correspondence to both parties dated March 12, 2020 requesting each party file a *Memorandum* addressing issue of appealability within ten (10) days of date of letter. In addition, the additional twenty (20) days granted by Order of The Supreme Court of South Carolina, Appellate Case No. 2020-000447, Section (1) (1) Extensions of Time, has passed.
6. Respondent's *Memorandum* was filed 23 March 2020 with delivery sent to Appellant's counsel of record on 20 March 2020.
7. As of the date of the filing of this motion, neither Respondent nor his attorney has received notification that a memorandum has been filed by Appellant.

For the above listed reasons the undersigned requests a finding of default as to Appellant and consequential Order dismissing the captioned matter.

Hartsville, South Carolina  
14<sup>th</sup> of April, 2020

Signature:     s/Richard E. Conner, Jr.      
Richard E. Conner, Jr.  
The Conner Law Firm  
Bar Number: 69367  
115 Cargill Way, Ste. C-2  
Hartsville, SC, 29550  
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Attorney for Respondent

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AFFIDAVIT OF DEFAULT

PERSONALLY appeared before me the undersigned deponent, who being duly sworn, states that he is the attorney for Respondent, Rodney Brock Hopkins, in the above-captioned matter and that at least ten (10) days have elapsed since the letter dated March 11, 2020 from The South Carolina Court of Appeals was issued to Mr. John Stephen Keffer, Esquire at 10 Law Range, Sumter, South Carolina, 29150. This letter acknowledged that Mr. Keffer’s appeal will be dismissed if he did not file a copy of the letter showing he requested the transcript for the hearing of November 14, 2019 or file a Motion requesting permission to order transcript out of filing deadlines set by Rule 207 of the South Carolina Appellate Court Rules. As of this date, to our knowledge, neither has been filed. In addition, another letter was received from The South

Carolina Court of Appeals on March 12, 2020. This letter requested each party serve and file a memorandum addressing the issue of appealability within ten (10) days of the date of the letter. As of this date to our knowledge, no Memorandum of Law has been filed. Respondent acknowledges Appellate Case Order No. 2020-000447, Section (1)(1) of The Supreme Court of South Carolina in regards to Extensions of Time.

Executed this 14<sup>th</sup> day of April, 2020

Signature: s/Richard E. Conner, Jr.  
Richard E. Conner, Jr.  
The Conner Law Firm  
Bar Number: 69367  
115 Cargill Way, Ste. C-2  
Hartsville, SC, 29550  
843-332-1678  
[rec@connerlawsc.com](mailto:rec@connerlawsc.com)  
Attorney for Respondent

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ORDER OF DEFAULT

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It appearing from the *Notice of Appeal* and *Proof of Service* filed with The South Carolina Court of Appeals by Appellant, pursuant to Rule 207 of the South Carolina Appellate Court Rules, that more than ten (10) days have transpired since Notice was served and no request for transcript having been filed and served by Appellant. It appearing from the correspondence dated 12 March 2020 (see attached) that more than thirty (30) days have transpired after the receiving thereof prior to a responsive pleading having been filed and served by Appellant. This time frame includes the twenty (20) day extension due to the Coronavirus Emergency.

IT IS, THEREFORE, ORDERED AND ADJUDGED AND DECREED that Mary Uptagrafft, Appellant in the above-captioned, is in default.

Columbia, South Carolina

\_\_\_\_\_, 2020

Signature: \_\_\_\_\_



## 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  
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[www.sccourts.org](http://www.sccourts.org)

March 12, 2020

Mr. John Stephen Keffer, Esquire  
10 Law Range  
Sumter SC 29150

Mr. Richard Edward Conner, Jr., Esquire  
115 Cargill Way, Suite C2  
Hartsville SC 29550

Re: Rodney Brock Hopkins v. Mary Uptagraft  
Appellate Case No. 2020-000327

Dear Counsel:

This Court has received a notice of appeal. A preliminary review of the order(s) challenged on appeal indicates it might not be immediately appealable.

Accordingly, it is requested that you each serve and file a memorandum addressing the issue of appealability within ten (10) days of the date of this letter. The time limits for perfecting the appeal are held in abeyance pending the Court's consideration of the memoranda.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

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PROOF OF SERVICE

I CERTIFY THAT I have served the Notice of Motion and Motion for Default, Affidavit of Default, and Order of Default on Mary Uptagrafft by depositing a copy of it in the United States Mail, postage prepaid on April 14, 2020, addressed to his attorney of record, John S. Keffer, 10 Law Range, Sumter, SC, 29150.

Executed this 14<sup>th</sup> day of April, 2020

Signature:     s/Richard E. Conner, Jr.      
Richard E. Conner, Jr.  
The Conner Law Firm  
Bar Number: 69367  
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[rec@connerlawsc.com](mailto:rec@connerlawsc.com)  
Attorney for Respondent