

92897

RECEIVED

JUN 30 2020

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS

SC Court of Appeals

THE HONORABLE BROOKS P. GOLDSMITH, CIRCUIT JUDGE

Case No. 2017-001775

Mikell M. Henderson,Appellant,

vs.

Mikell R. Scarborough, individually and as Personal Representative of the Estate of Mary Ross Hanahan and Joseph Ross Henderson, Defendants,

Of whom Mikell R. Scarborough, individually and as Personal Representative of the Estate of Mary Ross Hanahan, is theRespondent.

JOINT MOTION TO DISMISS APPEAL

HUNTER, MACLEAN, EXLEY & DUNN, P.C.
David M. Burkoff
South Carolina Bar No. 100339
Post Office Box 9848
Savannah, Georgia 31412
Ph: (912) 236-0261

Shirrese Brown Brockington, Esq.
South Carolina Bar No. 00956
4 Carriage Ln, Ste. 304
Charleston, SC 29407
Ph: (843) 737-5278

Joseph S. Mendelsohn, Esq.
P.O. Box 250
Charleston, SC 29202

TABLE OF CONTENTS

JOINT MOTION TO DISMISS APPEAL 1

TABLE OF AUTHORITIES

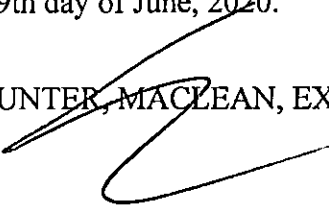
STATUTES

SCACR 222	1
SCACR 260(b).....	1

JOINT MOTION TO DISMISS APPEAL

Pursuant to SCACR 260(b) and 222, the parties, having settled this matter, jointly move for the dismissal of this appeal with each party to bear his own costs including, without limitation, attorney's fees as set forth in that Settlement Agreement reached on June 25, 2020. A proposed Order is attached hereto as Exhibit 1.

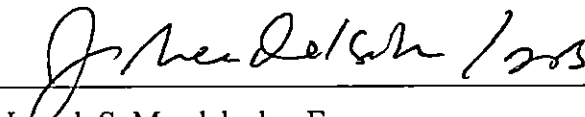
Respectfully submitted this 29th day of June, 2020.


HUNTER, MACLEAN, EXLEY & DUNN, P.C.

David M. Burkoff
South Carolina Bar No. 100339
200 East Saint Julian Street
Post Office Box 9848
Savannah, GA 31412
(912) 236-0261
Attorneys for Appellant Mikell M. Henderson



Shirrese Brown Brockington, Esq.
South Carolina Bar No. 00956
4 Carriage Ln, Ste. 304
Charleston, SC 29407
Ph: (843) 737-5278



Joseph S. Mendelsohn, Esq.
P.O. Box 250
Charleston, SC 29202
Attorneys for Respondent Mikell R. Scarborough

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS

THE HONORABLE BROOKS P. GOLDSMITH, CIRCUIT JUDGE

RECEIVED

JUN 20 2021

SC Court of Appeals

Case No. 2017-001775

Mikell M. Henderson,Appellant,

vs.

Mikell R. Scarborough, individually and as Personal Representative of the Estate of Mary Ross Hanahan and Joseph Ross Henderson, Defendants,

Of whom Mikell R. Scarborough, individually and as Personal Representative of the Estate of Mary Ross Hanahan, is theRespondent.

ORDER GRANTING JOINT MOTION TO DISMISS APPEAL

Having considered the parties' Joint Motion to Dismiss Appeal ("Motion") and finding good cause for the same, the Motion is hereby **GRANTED**. The clerk is directed to dismiss this appeal. Each party shall bear his own costs including, without limitation, attorney's fees as set forth in that Settlement Agreement reached on June 25, 2020.

SO ORDERED this _____ of _____, 2020.

Judge, South Carolina Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
APPEAL FROM CHARLESTON COUNTY
COURT OF COMMON PLEAS

RECEIVED

JUN 30 2020

SC Court of Appeals

THE HONORABLE BROOKS P. GOLDSMITH, CIRCUIT JUDGE

Case No. 2017-001775

Mikell M. Henderson, Appellant,

vs.

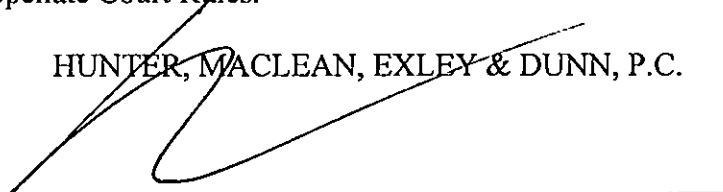
Mikell R. Scarborough, individually and as Personal Representative of the Estate of Mary Ross Hanahan and Joseph Ross Henderson, Defendants,

Of whom Mikell R. Scarborough, individually and as Personal Representative of the Estate of Mary Ross Hanahan, is the Respondent.

CERTIFICATE OF COUNSEL

The undersigned counsel certifies that this Joint Motion to Dismiss Appeal complies with Rule 211(b) of the South Carolina Appellate Court Rules.

HUNTER, MACLEAN, EXLEY & DUNN, P.C.



200 East Saint Julian Street
Post Office Box 9848
Savannah, GA 31412
(912) 236-0261
dburkoff@huntermaclean.com

David M. Burkoff
South Carolina Bar No. 100339
Attorneys for Appellant Mikell M. Henderson

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing **JOINT MOTION TO DISMISS APPEAL** upon all parties to this matter by depositing a true copy of same in the U.S. Mail, proper postage prepaid, properly addressed to the following:

Shirrese Brown Brockington, Esq.
4 Carriage Ln, Ste. 304
Charleston, SC 29407

*Attorney for Respondent Mikell R.
Scarborough*

Joseph S. Mendelsohn, Esq.
P.O. Box 250
Charleston, SC 29202

*Attorney for Respondent Mikell R.
Scarborough*

This 29th day of June, 2020.

HUNTER, MACLEAN, EXLEY & DUNN, P.C.



David M. Burkoff
South Carolina Bar No. 100339

Attorneys for Appellant Mikell M. Henderson

200 East Saint Julian Street
Post Office Box 9848
Savannah, GA 31412
(912) 236-0261

RECEIVED
JUN 30 2020
SC Court of Appeals

From: David Burkoff
Sent: Friday, June 26, 2020 11:19 PM
To: Sherry Brockington
Cc: Kerry Koon; Mendelsohn, Joseph S.
Subject: Re: Signed Settlement Agreement & Docs

Thanks. We'll get it filed.

David M. Burkoff

HunterMaclean

200 E. Saint Julian Street | P.O. Box 9848 | Savannah, GA 31412-0048

Main: 912.236.0261 | Fax: 912.236.4936 | Direct: 912.944.4680

Firm Website | My Bio | vCard Download | DBurkoff@huntermaclean.com

On Jun 26, 2020, at 4:31 PM, Sherry Brockington <sbb@bonllc.net> wrote:

Dave, I have cleaned up some misinformation as to my correct address & telephone #. Also, I added in a phrase to be more accurate "... attorney's fees as set forth in that Settlement Agreement reached on June 25, 2020." See attached revision. If you accept these changes, you have my permission to sign for both Joe and me as Joe gave me permission to sign for him. I think that you may have to file the Motion with a \$25 filing fee but please check with COA first on that.

Thanks, Sherry

Very truly yours,

<image001.jpg>

This communication may be attorney-client privileged or otherwise confidential. If you are not the intended recipient, please delete this message and notify the sender of this error.

From: David Burkoff [mailto:DBurkoff@huntermaclean.com]

Sent: Friday, June 26, 2020 3:24 PM

To: Sherry Brockington <sbb@bonllc.net>

Cc: 'Kerry Koon' <kerrykoon@hotmail.com>; 'Mendelsohn, Joseph S.' <joem250@gmail.com>

Subject: RE: Signed Settlement Agreement & Docs

Sherry and Joe, please see attached. I am confirming, or maybe you know off hand, whether I can sign for you with your permission, or whether you will need to each send me your signature. Frankly, we could probably take one of you off of this so that only one of you needs to sign.

Thanks and have a good weekend.

David M. Burkoff

HunterMaclean

200 E. Saint Julian Street | P.O. Box 9848 | Savannah, GA 31412-0048

Main: 912.236.0261 | Fax: 912.236.4936 | Direct: 912.944.4680

Firm Website | My Bio | vCard Download | DBurkoff@huntermaclean.com

From: Sherry Brockington <sbb@bonllc.net>

Sent: Friday, June 26, 2020 9:58 AM

To: David Burkoff <DBurkoff@huntermaclean.com>

Cc: 'Kerry Koon' <kerrykoon@hotmail.com>; 'Mendelsohn, Joseph S.' <joem250@gmail.com>

Subject: RE: Signed Settlement Agreement & Docs

Dave, thanks for sending the fully signed Agreement. We will forward a copy to our client. Just let me know what you need on the dismissals as to signatures, etc on our end. Thanks, Sherry

Very truly yours,

<image002.jpg>

This communication may be attorney-client privileged or otherwise confidential. If you are not the intended recipient, please delete this message and notify the sender of this error.

From: David Burkoff [mailto:DBurkoff@huntermaclean.com]

Sent: Thursday, June 25, 2020 6:50 PM

To: Sherry Brockington <sbb@bonllc.net>

Cc: 'Kerry Koon' <kerrykoon@hotmail.com>; 'Mendelsohn, Joseph S.' <joem250@gmail.com>

Subject: Re: Signed Settlement Agreement & Docs

Sherry, thanks. The fully executed document is attached. We may need your cooperation on the COA filing and I'll be back in touch on that score shortly.

David M. Burkoff

HunterMaclean

200 E. Saint Julian Street | P.O. Box 9848 | Savannah, GA 31412-0048

Main: 912.236.0261 | Fax: 912.236.4936 | Direct: 912.944.4680

[Firm Website](#) | [My Bio](#) | [vCard Download](#) | DBurkoff@huntermaclean.com

From: Sherry Brockington <sbb@bonllc.net>

Date: Thursday, June 25, 2020 at 2:53 PM

To: David Burkoff <DBurkoff@huntermaclean.com>

Cc: 'Kerry Koon' <kerrykoon@hotmail.com>, 'Joseph.Mendelsohn' <joem250@gmail.com>

Subject: Signed Settlement Agreement & Docs

Dear Dave, we are pleased to attach the Settlement Agreement which Mikell Scarborough has signed today. I am also attaching the other documents which have been signed by our client that you have required as well as a clean version of the Quit-Claim Deed for the Fairview tract. Kindly send us the full Settlement Agreement signed by Mikell Henderson for our records. We should be able to merge the signature pages for a complete document. This will now set in motion the timelines for compliance by our respective clients. Also, please include us on your subsequent correspondence with the Court of Appeals & Common Pleas, etc. as to the dismissals. Thank you, Sherry

Very truly yours,

<image003.jpg>

This communication may be attorney-client privileged or otherwise confidential. If you are not the intended recipient, please delete this message and notify the sender of this error.

Confidentiality Notice: This email has been sent from a law firm. It may contain privileged and confidential information intended for the use of the person(s) named above. If you are not an intended recipient, you are hereby notified that any dissemination or duplication of the email is prohibited, and that there shall be no waiver of any privilege or confidence by your receipt of this transmission. If you have received this email in error, please notify us by collect telephone call and immediately delete this email.

Thank You.

Hunter, Maclean, Exley & Dunn, P.C.

Savannah Office Telephone: 912.236.0261

Saint Simons Office Telephone: 912.262.5996

Confidentiality Notice: This email has been sent from a law firm. It may contain privileged and confidential information intended for the use of the person(s) named above. If you are not an intended recipient, you are hereby notified that any dissemination or duplication of the email is prohibited, and that there shall be no waiver of any privilege or confidence by your receipt of this transmission. If you have received this email in error, please notify us by collect telephone call and immediately delete this email.

Thank You.

Hunter, Maclean, Exley & Dunn, P.C.

Savannah Office Telephone: 912.236.0261

Saint Simons Office Telephone: 912.262.5996

<Shirrese B Brockington Esq 3.vcf>

<ENDERSON #2 - Joint Motion to Dismiss Appeal.docx>



HunterMaclean
Attorneys at Law
200 E. Saint Julian Street
Post Office Box 9848
Savannah, GA 31412-0048

DAVID M. BURKOFF
Phone: 912.236.0261
Fax: 912.236.4936
www.huntermaclean.com
dburkoff@huntermaclean.com

June 29, 2020

VIA FEDEX

Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RECEIVED

JUN 30 2020

SC Court of Appeals

RE: *Mikell M. Henderson v. Mikell R. Scarborough*
Appellate Case No. 2017-001775

Dear Ms. Kitchings:

Enclosed in connection with the above matter please find the following:

1. The original and one copy of the parties' Joint Motion to Dismiss Appeal;
2. A copy of my e-mail exchange with appellees' counsel authorizing me to sign the Joint Motion for them; and
3. A check in the amount of \$50.00, for the filing fee.

If you would please return a file-stamped copy of the Joint Motion to me in the enclosed self-addressed, stamped envelope, I would appreciate.

Thank you for your assistance.

Sincerely,

David M. Burkoff

DMB/ar

Enclosures

cc: Shirrese Brockington, Esq. (by email and U.S. mail)
Joseph S. Mendelsohn, Esq. (by email and U.S. mail)

ORIGIN ID: SAVA (912) 231-2974
DAVID M. BURKOFF
HUNTER MACLEAN EXLEY & DUNN
200 E. SAINT JULIAN STREET

SHIP DATE: 29JUN20
ACTWGT: 0.20 LB
CAD: 103764613/INET4220

SAVANNAH, GA 31412
UNITED STATES US

BILL SENDER

TO JENNY ABBOTT KITCHINGS, CLERK
SOUTH CAROLINA COURT OF APPEALS
1220 SENATE STREET
CLERK'S OFFICE
COLUMBIA SC 29201

RECEIVED

56B/J2/1811/4A

JUN 30 2020

(803) 734-1890

REF: 21796-1

INV:

PO:

DEPT:

SC Court of Appeals



FedEx
Express



J201200424811v

TUE - 30 JUN 3:00P
STANDARD OVERNIGHT

TRK#

0201

7708 2220 3691

XH USCA

29201

SC-US CAE

