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JUL 20 2020

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE BEAUFORT COUNTY
COURT OF COMMON PLEAS

HONORABLE BROOKS P. GOLDSMITH

CASE NO.: 2018-CP-07-00409

Gary Victory,

Appellant,

vs.

Wells Fargo Bank, NA and
Mortgage Contracting Services, LLC,

Defendants.

Of Whom Mortgage Contracting Services, LLC is

Respondent.

and

Mortgage Contracting Services, LLC,

Respondent,

v.

Ryan Davis d/b/a Davis Home Preservation

Defendant.

NOTICE OF APPEAL

The Appellant, Gary Victory, hereby appeals the Orders of the Honorable Brooks P. Goldsmith entitled "Order Denying Motion for Reconsideration" filed January 10, 2020 and "Order Granting Summary Judgment to Mortgage Contracting Services, Inc." filed October 29, 2020, copies of which are attached hereto. Appellants received written notice of the entry

of the Order Denying Motion for Reconsideration on January 10, 2020.

MOSS, KUHN & FLEMING, P.A.

By: 

James H. Moss
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Post Office Drawer 507
Beaufort, South Carolina 29901
(843)524-3373
(843)524-1302 – facsimile
jim@mossandkuhn.com

Beaufort, South Carolina
January 24, 2020

Other Counsel of Record:

Kristen B. Fehsenfeld, Esquire
Amanda K. Dudgeon, Esquire
Chandler & Dudgeon, LLC
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Attorneys for Mortgage Contracting Services, LLC

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v.

Ryan Davis d/b/a Davis Home Preservation

Defendant.

CERTIFICATE OF SERVICE

Undersigned certifies that the Notice of Appeal, to which this certificate is affixed, was served upon the party (s) to this action by hand delivery or by depositing a copy of same, enclosed in a first class, postpaid wrapper properly addressed to the attorney(s) of record:

The Honorable Jerri Ann Roseneau
Clerk of Court for Beaufort County
102 Ribaut Road
Post Office Drawer 1228
Beaufort, South Carolina 29901

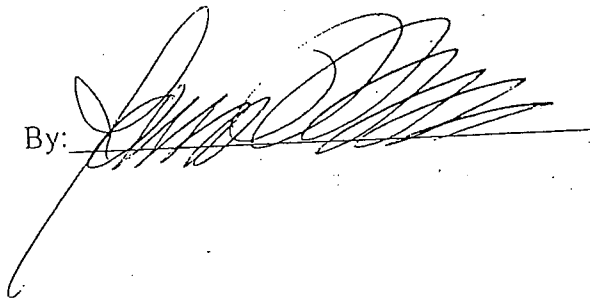
Kristen B. Fehsenfeld, Esquire
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Post Office Box 547
Charleston, South Carolina 29402

John P. Seibels, Jr., Esquire
Seibels Law Firm, P.A.
38 Broad Street, Suite 200
Charleston, South Carolina 29401

in a post office or official depository under the exclusive care and custody of the United States

Postal Service, on January 24, 2020.

By:

A handwritten signature in black ink, appearing to be "John P. Seibels, Jr.", written over a horizontal line. The signature is stylized and cursive.

LAW OFFICES

MOSS, KUHN & FLEMING P.A.

JAMES H. MOSS
H. FRED KUHN, JR.
CORY H. FLEMING

1501 North Street P.O. Drawer 507~Beaufort, South Carolina 29901-0507
TELEPHONE 843-524-3373
FAX 843-524-1302

ALSO MEMBER OF GA BAR

October 18, 2019

Via U.S. Mail and Email: khanson@sccourts.org

Ms. Kymberlee M. Williams
Post Office Box 283
Pineville, North Carolina 28134

Re: *Gary Victory v. Wells Fargo, et al.*
Civil Action No.: 2018-CP-07-00409

Dear Ms. Williams:

The motions in the above matter were held before the Honorable Brooks P. Goldsmith on October 16, 2019. My records indicate that you were the court reporter for these hearings.

I request that you provide me with a transcript of the motions held on October 16, 2019.

With kindest regards, I am

Very truly yours,

MOSS, KUHN & FLEMING, P.A.

James H. Moss

JHM:sr

LAW OFFICES

MOSS, KUHN & FLEMING P.A.

JAMES H. MOSS
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JUL 20 2020

SC Court of Appeals

February 7, 2020

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Gary Victory v. Wells Fargo Bank, N.A., et al.
Civil Action No.: 2018-CP-07-00409

Dear Mrs. Kitchings:

Our apologies that we had enclosed our proof of service without the date of service located on the certificate of service. I am enclosing another original and 1 copy of the Notice of Appeal in the above case

1. Proof of service of the Notice of Appeal on Respondent.
2. A self-addressed stamped envelope for the return of the filed copy.

The transcript has been requested and received.

With kindest regards, I am

Very truly yours,

MOSS, KUHN & FLEMING, P.A.


James H. Moss

JHM:jm
Enclosures

cc: Honorable Jerri Ann Roseneau, Beaufort County Clerk of Court (w/enclosure)
Kristen B. Fehsenfeld, Esquire (w/enclosure)
Amanda K. Dudgeon, Esquire (w/enclosure)
John P. Seibels, Jr., Esquire (w/enclosure)

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SC Court of Appeals

FIRST CLASS MAIL

MOSS, KUHN & FLEMING, P.A.
ATTORNEYS AT LAW
1501 North Street
P.O. Drawer 507
Beaufort, SC 29901-0507
(843) 524-3373

To:

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211



\$ 1.55

2/10/20

LAW OFFICES

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H. FRÉD KUHN, JR.

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ALSO MEMBER OF C.A.B.A.R.

July 16, 2020

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JUL 20 2020

SC Court of Appeals

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: Gary Victory v. Wells Fargo Bank, N.A., et al.
Civil Action No.: 2018-CP-07-00409

Dear Mrs. Kitchings:

The Court's Remitter was filed on February 28, 2020 and filed with the Beaufort County Court of Common Plea on March 19, 2020. Due to the COVID-19 pandemic, the Courts Order was overlooked. At the time the Order was received our office was in the process of closing and preparing for employees to work remotely. This oversight was not intentional on the part of the Appellants counsel.

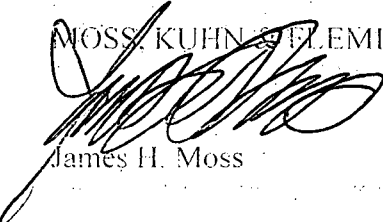
According to our records, Mr. Moss spoke with the clerk's office in regard to your February 7, 2020 letter regarding the transcript letter and he was told a motion did not need to be filed and to mail in a copy of our letter ordering the transcript. On February 10, 2020 our office did mail you our Notice of Appeal with a copy of our letter ordering the transcript on October 18, 2019. (See enclosed).

Please let me know if you need anything else from our office in order to have this case restored to the court's docket.

With kindest regards, I am

Very truly yours,

MOSS, KUHN & FLEMING, P.A.



James H. Moss

JHM:jm

Enclosures

- cc: Honorable Jerr Ann Roseneau, Beaufort County Clerk of Court (w/enclosure)
- Kristen B. Fehsenfeld, Esquire (w/enclosure)
- Amanda K. Ludgeon, Esquire (w/enclosure)
- John P. Seibels, Jr., Esquire (w/enclosure)

Joseph Thompson, Esq (w/Enclosure)

MOSS, KUHN & FLEMING, P.A.

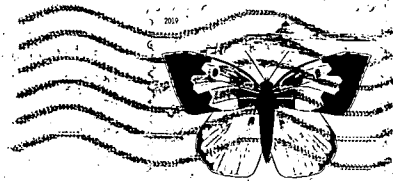
1501 North Street

P.O. Drawer 507

Beaufort, SC 29901-0507

CHIMBLESTON SC 2941

05 JUL 2020 PM 1 1



USA

NON-MACHINEABLE SURCHARGE

Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

29211-162929

