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AUG 17 2020

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

The Honorable Michael G. Nettles

Trial Case No. 2019-CP-21-03251
Appellate Case No. 2020-000479

Edward Spears.....Appellant,

v.

Michael S. Hopewell.....Respondent.

RETURN TO MOTION FOR EXTENSION OF TIME

Pursuant to Rule 240(e), SCACR, the Respondent, through his undersigned attorney, files and serves this Return to Appellant’s Motion, which was filed with the Court on August 6, 2020.

By letter of July 7, 2020, the South Carolina Court of Appeals advised the Appellant that he was to serve and file his Initial Brief and Designation of Matter within thirty (30) days of that date, which would have been August 6, 2020. No Initial Brief, Designation of Matter, or any other document from the Appellant has been received by the Respondent or his attorney since that time.

In reviewing the on-line case file to see if the Order of Dismissal had yet been filed, the Respondent discovered, at 4:30 p.m. on August 13, 2020, that the Appellant had sent a one sentence hand-written letter to the Court of Appeals that was received by the Court on August 6, 2020. The letter was listed on the directory as a Motion of Extension of Time. Neither the Respondent nor his counsel were served with a copy of this letter.

Rule 240(c), SCACR, requires all motions to comply with Rule 267, SCACR, as to form, which the letter sent by the Appellant does not, in any respect. Rule 240(c), SCACR, further requires that the motion shall state the grounds thereof, have supporting documents and be consecutively numbered. The motion filed by the Appellants meets none of those requirements.

Rule 240(c)(1), SCACR, requires a Certificate or Affidavit of Service reflecting the date of service upon all parties and for the original Certificate or Affidavit of Service to be filed with the original motion or petition. From reviewing the on-line court's file, it does not appear that any Affidavit or Certificate of Service was filed. Rule 262, SCACR, also requires service in parts (a) and (b).

Rule 240(c)(2) requires a memorandum with citation of authorities in support of the motion. There is none.

Rule 240(d), SCACR, requires that an original and six copies of the motion be filed with the Clerk of the Appellate Court and a copy be served upon each party. The Respondent does not know whether or not an original and six copies were filed with the court, however, as stated above and as affirmed by the Affidavit of Michael S. Hopewell, no copy of the motion was received by Respondent or his counsel. Rule 240(d), SCACR,

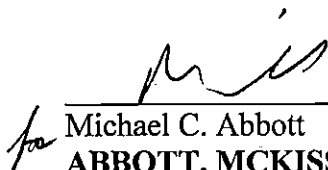
requires a filing fee to be filed with the motion. The Respondent has no knowledge of whether or not this portion of Rule 240(d) was complied with.

In summary, Appellant's motion, which was not filed until the very last day to submit his Initial Brief and Designation of Matter, does not comply with any aspect of any of the applicable rules and was filed surreptitiously, without being served on the Respondent or Respondent's attorney.

For the reasons stated above, the Respondent urges the court to deny Appellant's Motion for Extension.

Respectfully submitted,

August 14, 2020



for Michael C. Abbott
ABBOTT, MCKISSICK & HOPEWELL, LLC
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Attorney for Respondent

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In the Court of Appeals

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The Honorable Michael G. Nettles

Trial Case No. 2019-CP-21-03251
Appellate Case No. 2020-000479

Edward Spears.....Appellant,

v.

Michael S. Hopewell.....Respondent.

AFFIDAVIT OF MICHAEL S. HOPEWELL

The undersigned, having been duly sworn, deposes and says as follows:

1. He is over the age of twenty-one, competent to testify regarding the matters contained herein and knows them to be true of his own personal knowledge.
2. He is the Respondent in the captioned action.
3. Neither he, nor his attorney of record, was served with or received a copy of the attached letter, which has been filed by the Court as a Motion for Extension.
4. He discovered this motion when reviewing the on-line case records of the South Carolina Court of Appeals at approximately 4:30 p.m. on August 13, 2020.

AND FURTHER THE AFFIANT SAITH NAUGHT.

SWORN TO AND SUBSCRIBED before me
this 14th day of August, 2020.

Karen C. Howard

Notary Public for South Carolina

My Commission Expires: 10-25-28

Michael S. Hopewell

Michael S. Hopewell

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AUG 06 2020

SC Court of Appeals

Dear Court of Appeals
I need about 10 days
to complete Initial
Briefs

Thanks

F. Spears
~~ET al~~

503 Roughton St

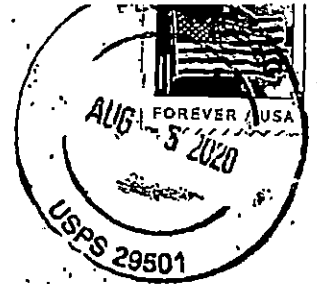
Flom, S.C., 29801

Edward Spears
503 Rough Fork St.
FL 01, SIC 29501

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SC Court of Appeals



Court of Appeals
1220 Senate St.
Columbia, SIC 29202

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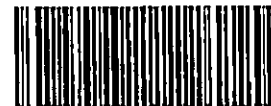
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SC Court of Appeals

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APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

The Honorable Michael G. Nettles

Trial Case No. 2019-CP-21-03251
Appellate Case No. 2020-000749

Edward Spears.....Petitioner,


v.

Michael S. Hopewell.....Respondent.

PROOF OF SERVICE

I certify that I have served the Respondent's Return to Motion for Extension of Time and Affidavit of Michael S. Hopewell on Edward Spears, pro se Petitioner, by depositing a copy of same in the United States Mail, postage prepaid, on August 14, 2020, addressed to 503 Roughfork Street, Florence, SC 29501.

August 14, 2020



Michael C. Abbott
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mhopewell@amhattorneys.com
Attorney for Respondent

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Abbott, McKissick & Hopewell, LLC
Attorneys at Law

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SC Court of Appeals

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Michael C. Abbott
Robert D. McKissick
Michael S. Hopewell

August 14, 2020

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

Re: Edward Spears
vs. Michael S. Hopewell
Appellate Case #2020-000479
Our File #2016008

Dear Ms. Kitchings:

Please find enclosed the following documents regarding the above referenced matter:

1. One original and six (6) copies of the Return to Motion for Extension of Time;
2. Affidavit of Michael S. Hopewell; and
3. Original and one (1) copy of Proof of Service.

I would appreciate you filing the original Return to Motion for Extension of Time, Affidavit of Michael S. Hopewell, and Proof of Service by stamping as received the copies of same and returning a filed copy of each to me in the enclosed self-addressed, stamped envelope.

If you have any questions or concerns, please do not hesitate to let me know.

With kind regards, we are

Very truly yours,


Michael C. Abbott

MCA/kch
Enclosures
cc: Mr. Edward Spears

Michael S. Hopewell, Esq.
Abbott, McKissick & Hopewell, LLC
Post Office Box 148
Florence, SC 29503



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