

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas
James O. Spence, Master-in-Equity

Civil Action No. 2011-CP-32-01205

First Reliance Bank,
Plaintiff/Respondent,

v.

Charles E. Bishop, Brett D. Blanks, BCM of Lexington, LLC d/b/a Dam Bar & Grill, B&H of
Lexington, LLC, and Branch Banking and Trust Company of South Carolina

Defendants,

Of Whom Brett D. Blanks, BCM of Lexington, LLC d/b/a Dam Bar & Grill, and B&H of
Lexington, LLC are Appellants.

NOTICE OF APPEAL

Brett D. Blanks, BCM of Lexington, LLC d/b/a Dam Bar & Grill, and B&H of Lexington, LLC (“Appellants”) timely appeal the Master-in-Equity’s November 4, 2020 Order denying their Rule 59(e) and Rule 60(b) Motions.¹ A copy of the written order is attached hereto as Exhibit A. Appellants received written notice of the entry of the Order on November 4, 2020.

(Signature page follows)

¹ Appellants filed a Motion to Alter, Amend, or Reconsider the Court’s November 4, 2020 Order pursuant to Rule 59(e), SCRCP, on November 13, 2020, and a hearing on this motion is currently scheduled for December 21, 2020 before the Honorable James O. Spence. However, as the November 4, 2020 Order denied Appellant’s July 9, 2020 Motion to Alter, Amend or Reconsider pursuant to Rule 59(e) and Motion to Vacate pursuant to Rule 60(b), SCRCP, Appellants file this Notice of Appeal of the November 4, 2020 Order out of an abundance of caution to preserve their right to appeal the November 4, 2020 Order.

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Dec 01 2020

SC Court of Appeals

s/ Shanon N. Peake

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of Lexington, LLC*

Columbia, South Carolina

December 1, 2020

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Defendants,

Of Whom Brett D. Blanks, BCM of Lexington, LLC d/b/a Dam Bar & Grill, and B&H of
Lexington, LLC are Appellants.

PROOF OF SERVICE

I, the undersigned attorney of the law offices of Smith Robinson Holler DuBose and Morgan, LLC, do hereby certify that on December 1, 2020, I have served all counsel in this action with a copy of the pleading(s) hereinbelow in accordance with the Supreme Court's May 29, 2020 Administrative Order by emailing a copy to each attorney listed below using their primary email address listed in the Attorney Information System. I also certify that I am contemporaneously filing a copy of the Notice of Appeal with the lower court.

Documents Served: Notice of Appeal

Counsel Served: **E-Mail**

James Edward Bradley – ward@mttlaw.com
Moore Taylor Law Firm, P.A.

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(Signature page follows)

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s/Shanon N. Peake

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Columbia, South Carolina

December 1, 2020

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SC Court of Appeals

From: [Shanon Peake](#)
To: ward@mttlaw.com; [Luke Hoopes](#); aaron@angellmolony.com; [Paul Ferrara](#)
Cc: [Murrell Smith](#); [Mike Wells](#); [Russell Fry](#); [Frank B McMaster](#); [Jennifer Lisandrelli](#)
Subject: First Reliance Bank v. Charles E. Bishop, et al. - Notice of Appeal
Date: Tuesday, December 1, 2020 1:37:00 PM
Attachments: [Notice of Appeal, 2.pdf](#)
[Exhibit A Nov 4, 2020 Order, 1.pdf](#)
[Proof of Service NOA, 4.pdf](#)

All,

Please find attached a Notice of Appeal, Order on appeal, and Proof of Service which we intend to file with the Court of Appeals today, served on you pursuant to subsection (g)(3) of the South Carolina Supreme Court's Amended Order re: the operation of the appellate courts during the coronavirus emergency.

Thank you,
Shanon

SMITH ROBINSON
Forward thinking. Results driven.
Smith Robinson Holler DuBose and Morgan, LLC
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Shanon Peake
Attorney at Law

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SC Court of Appeals

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

RE: First Reliance Bank v. Charles E. Bishop, Brett D. Blanks, BCM of Lexington, LLC d/b/a Dam Bar & Grill, B&H of Lexington, LLC, and Brank Banking and Trust Company of South Carolina
Appellate Case No. 2020-
Our File No. 0100-0020

Dear Ms. Kitchings:

Please find enclosed a check representing the filing fee for the Notice of Appeal filed on behalf of Appellants Brett D. Blanks, BCM of Lexington LLC d/b/a Dam Bar & Grill, and B&H of Lexington, LLC in the above-referenced case via email today. Please let me know if anything further is needed.

Sincerely,

SMITH, ROBINSON, HOLLER,
DuBOSE AND MORGAN, LLC



Shanon N. Peake

SNP/df

Enclosures