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DEC 18 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 MOTION & MOTION TO REINSTATE APPEAL

**James H. Moss, Esquire
MOSS, KUHN & FLEMING, P.A.
Post Office Drawer 507
Beaufort, South Carolina 29901-0507
[843] 524-3373
[843] 524-1302 FX
jim@mossandkuhn.com**

Attorneys for Appellant

The Appellant through his undersigned counsel, hereby moves before the South Carolina Court of Appeals for an Order reinstating the above captioned appeal, on the following grounds:

1. On or about February 28, 2020, Appellant received an Order of Dismissal of the same date, dismissing this case due to the alleged failure of the Appellant order the transcript of record in this matter.

2. On or about March 17, 2020, Appellant received a copy of the Remittitur remitting this matter to the lower court in Beaufort County, South Carolina.

3. On July 16, 2020, Appellant forwarded correspondence to this Court that he had spoken to the Clerk of Court's office notifying them that the Appellant in fact had requested the transcript of record and forwarded a copy of that correspondence to the Court on February 10, 2020, with a copy of the letter ordering the transcript on October 18, 2019.

4. The Appellant has received a copy of the transcript and will provide a copy to all counsel of record and are now prepared to provide an Initial Brief in this matter upon the reinstatement of this Appeal and after the request for extension is heard.

4 The Appellant does not intend to abandon or forego this appeal at this time. The undersigned counsel believes the appeal is meritorious and it would be in the best interest of justice to reinstate the appeal.

It is accordingly respectfully requested that the appeal reinstated.

Respectfully submitted,

MOSS, KUHN & FLEMING, P.A.

By: 

JAMES H. MOSS
Counsel for Appellant

Beaufort, South Carolina
December 16, 2020

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and

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CERTIFICATE OF SERVICE

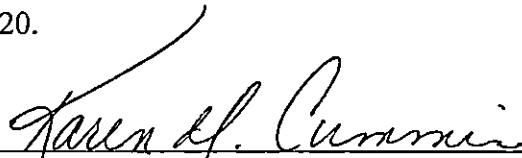
Undersigned certifies that the **Appellant's Notice of Motion and Motion to Reinstate Appeal** to which this certificate is affixed, was served upon the parties to this action by depositing a copy of same, enclosed in a first class, postpaid wrapper properly addressed to the attorney(s) of record:

Kristen B. Fehsenfeld, Esquire
Amanda K. Dudgeon, Esquire
Chandler & Dudgeon, LLC

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 December 16, 2020.

By: 
Karen M. Cummins, MPS, SCCP, PP

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

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SC Court of Appeals

December 16, 2020

The 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, NA and Mortgage Contracting Services, LLC and
Mortgage Contracting Services, LLC v. Ryan Davis d/b/a Davis Home Preservation
Appellate Case No.: 2020-000128

Dear Clerk Kitchings:

Enclosed for filing is the original and seven (7) copies of the Notice of Motion and Motion to Reinstatement Appeal and Certificate of Service. I have also enclosed our firm check in the amount of \$50.00 representing the filing fee in this matter.

Please file the enclosures and return a clocked copy to me in the enclosed self-addressed stamped envelope. By copy of this letter and the enclosures, I am serving a copy of the same on John P. Seibels, Jr., Esquire, Kristen B. Fehsenfeld, Esquire, and Amanda K. Dudgeon, Esquire.

With kindest regards, I am

Very truly yours,

MOSS, KUHN & FLEMING, P.A.


James H. Moss

JHM:kmc
Enclosures

C: John P. Seibels, Jr., Esquire (w/enclosures)
Kristen B. Fehsenfeld, Esquire (w/enclosures)
Amanda K. Dudgeon, Esquire (w/enclosures)



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

To:

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