

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

J. Cordell Maddox, Jr., Circuit Court Judge
Appellant Case No. 2021-000271

Amir Afshar,

Appellant,

v.

Farhana Javed and Mian Javed Ikram,

Respondents.

MOTION TO REINSTATE APPEAL

The Respondents were mailed a copy of the Appeal on March 6, 2021 through USPS Certified Mail with Domestic Return Receipt requested. First delivery attempt was made at their last know address on March 11th, second on 14th/16th and third and final on 26th (Exhibit 1), and eventually returned unclaimed to the Appellant (Exhibit 2). A signed certificate of service and original certified mail receipts were mailed to the Court on March 6, 2021, with the Appeal. The Appellant should not be punished for the Respondents' deliberate evasiveness.

Appellant was unaware that attorneys were inherited from the lower to higher courts, and therefore, a copy of the Appeal was served on the Respondents' attorney of record Mr. Duncan slightly later, who on April 6, 2021, chose to withdraw himself from further legal representation of the Respondents (Exhibit 3). It would be highly unreasonable to believe that during this meeting Mr. Duncan would not have informed the Respondents of the pending Appeal, if not hand them a copy of the Appeal. Since an appeal in itself contains no new information, merely knowledge of the pending Appeal should suffice as service for it would have raised enough curiosity or concern for the Respondents to look up the status of their case online at ww2.greenvillecounty.org or otherwise investigate it further.

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MAY 24 2021
SC Court of Appeals

On April 8, 2021, Mr. Duncan notified ctappfilings@sccourts.org and the Appellant of his decision to withdraw in an e-mail. The Appellant took this opportunity to express concern that it had been over a month and the return receipts had failed to turn up, and asked Mr. Duncan for the Respondents current address where they could be re-served (Exhibit 4), but there was no response from Mr. Duncan. The Appellant believes that Mr. Duncan's withdrawal was just another strategy in a long list of strategies to divert the burden of service towards the Respondents who would then need to do absolutely nothing except evade service to get the matter dismissed.

The Appellant can attempt service through Greenville County Sheriff's Civil Division assuming the Respondents have not relocated from their last known address, and forward the Sheriff's response to the Court within thirty days if the Court can grant a stay of this matter for which the Appellant has shown sufficient cause. The out of state Sheriff's service costs \$57 per Respondent so the Appellant would need to know if a stay is granted before proceeding with the Sheriff's service.



Amir Afshar
14200 E 32nd St #2108
Independence, MO 64055
midland477@gmail.com
Pro Se Appellant

Columbia, South Carolina

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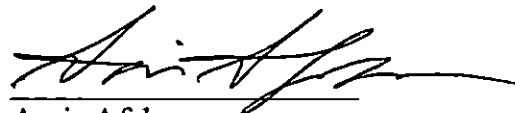
PROOF OF SERVICE

I certify that on May 20, 2021, I served Motion to Reinstate Appeal to the pro se Respondents by mailing each a copy via the USPS First Class Mail at their last known address:

Farhana Javed
2705 E Lee Rd
Taylors, SC 29687

and

Mian Javed Ikram
2705 E Lee Rd
Taylors, SC 29687



Amir Afshar
14200 E 32nd St #2108
Independence, MO 64055
midland477@gmail.com
Pro Se Appellant

Exhibit No. 1

<p>March 11, 2021 10:49 am Notice Left (No Authorized Recipient Available), TAYLORS, SC 29687</p>	
<p>March 11, 2021 12:12 am Departed USPS Regional Destination Facility, GREENVILLE SC DISTRIBUTION CENTER</p>	
<p>March 10, 2021 10:47 am Arrived at USPS Regional Destination Facility, GREENVILLE SC DISTRIBUTION CENTER</p>	<p>Tracking History</p>
<p>March 6, 2021 11:49 pm Departed USPS Regional Origin Facility, KANSAS CITY MO DISTRIBUTION CENTER</p>	<p>April 18, 2021 In Transit, Arriving Late,</p>
<p>March 6, 2021 10:58 pm Arrived at USPS Regional Origin Facility, KANSAS CITY MO DISTRIBUTION CENTER</p>	<p>April 14, 2021 9:16 pm Departed USPS Regional Facility, GREENSBORO NC DISTRIBUTION CENTER</p>
<p>March 6, 2021 11:50 am USPS in possession of item, INDEPENDENCE, MO 64055</p>	<p>April 14, 2021 10:39 am Arrived at USPS Regional Destination Facility, GREENSBORO NC DISTRIBUTION CENTER</p>
	<p>April 6, 2021 12:52 pm Unclaimed/Being Returned to Sender, TAYLORS, SC 29687</p>

Exhibit No. 2

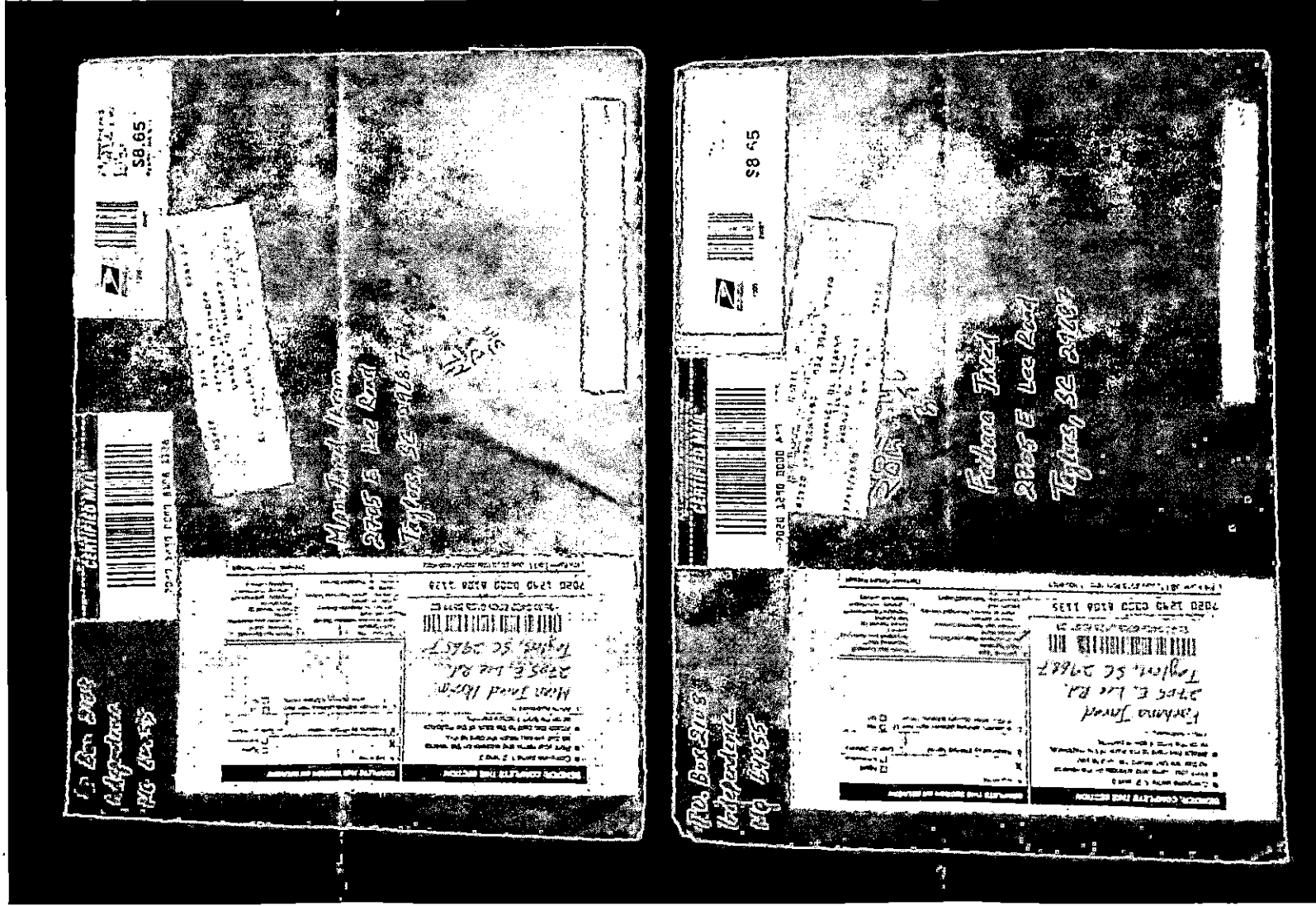


Exhibit No. 3

THE STATE OF SOUTH CAROLINA
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APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

J. Cordell Maddox, Jr., Circuit Court Judge

Appellate Case No. 2021-000271

Amir Afshar,

Appellant,

Farhana Javed and Mian Javed
Ikram,

Respondents.

NOTICE OF WITHDRAWAL OF COUNSEL

Rustin B. Duncan hereby withdraws as counsel for Respondents to Appellate Case No. 2021-000271. Rustin B. Duncan received consent to withdrawal as counsel for Respondents by the Respondents as evidenced by their signatures below.

April 6, 2021.

s. Rustin B. Duncan

Rustin B. Duncan
King Law Offices
1320 Pinson Street
Greer, South Carolina 29650
(865) 466-0929

Counsel of Record for Respondents

WE CONSENT


FARHANA JAVED


MIAN JAVED IKRAM

Exhibit No. 4



2021-000271 [Add label](#)



Mid Land Apr 8
to ctappfilings, Rusty ^



From Mid Land • midland477@gmail.com
To ctappfilings@sccourts.org
Rusty Duncan • rduncan@kinglawoffices.com

Date Apr 8, 2021, 3:58 PM

[View security details](#)

Each Respondent was mailed a copy of the Appeal, certified with return receipts, at their last known mailing address, but a month later since the mailings, the return receipts have failed to come back. If the Respondents need to be re-served, the Appellant needs to know their current address from Mr. Duncan.

Reply

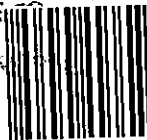
Reply all

Forward

P.O. Box 2108
Independence
MO 64055

KANSAS CITY 6

20



1000

29211

U.S. POSTAGE PAID
FCM LETTER
INDEPENDENCE, MO
64055
MAY 20, 21
AMOUNT

\$0.75

R2305H130311-10

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MAY 24 2021

SC Court of Appeals

South Carolina Court of Appeals
Tenny A. Kitchings, Clerk
P.O. Box 11629
Columbia, SC 29211

29211-162929

