

The State Of South Carolina  
In The Court Of Appeals  
Appeal From Newberry County  
Court Of Common Pleas  
Samuel M. Price, Special Referee  
Appellate Case No. 2021-001051

**RECEIVED**

OCT 07 2021

SC Court of Appeals

Ernest Perry,

Appellant,

v.

Jov Phil H, LLC,

Respondent.

Notice And Motion For Voluntary Dismissal  
Of Appeal Pursuant To Rule 41, SCRPC and Rule 260, SCACR

Please be advised and take notice that appellant is moving for voluntary dismissal of his appeal because he has pending a Rule 59(e) Motion To Alter and Amend the Court's Order in the Lower Court, Case No. 2020-36-DD20, Court Of Common Pleas Of Newberry County. Appellant mistakenly believed the pending Motion had been dismissed prior to filing our Notice Of Appeal.

Therefore, Appellant is requesting, voluntarily, to dismissal of appeal without prejudice, with an opportunity to refile after the lower Court's ruling on the pending Motion To Alter and Amend.

Wherefore, Appellant prays,

Respectfully Submitted,  
Ernest Perry, 281290

Ernest Perry, 281290  
Turbeville C.I., RA-256  
1578 Clarence E. Colker Hwy,  
Turbeville, SC 29162

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Ernest Perry,

Appellant,

v.

Joy Phil II, LLC,

Respondent.

Proof of Service

The Appellant in the above-captioned matter, do hereby certify I served a copy of a Notice and Motion For Voluntary Dismissal Of Appeal upon the following parties by placing said copies in the Institutional Mail on 9-30-21.

1. Joy Phil II, LLC  
Kyle B. Parker  
1508 College Street  
P.O. Box 190  
Newberry, S.C. 29108

2. Janeen Toby  
Common Pleas Deputy Clerk  
P.O. Drawer 10  
Newberry, S.C. 29108

3. South Carolina Court Of Appeals  
Clerk Of Court  
P.O. Box 11629  
Columbia, S.C. 29211

Respectfully Submitted  
Ernest Perry, 281290  
Ernest Perry, 281290  
Turbeville CT, RA-256  
1578 Clarence E. Coker Hwy  
Turbeville, S.C. 29162

Dear Clerk,

Please find enclosed my "Notice and Motion For Voluntary Dismissal Of Appeal. I am sorry for any inconvenience to the Court due to my premature filing of Notice Of Appeal.

Thank you for your kind services.

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SC Court of Appeals

Respectfully,  
Ernest Perry, 281290  
Ernest Perry, 281290  
Turbeville City, RA-256  
1578 Clarence E. Coker Hwy.  
Turbeville, SC, 29162

Ernest Perry, 281290  
Turbeville, SC 29162  
578 Clarence E. Coker Hwy  
Turbeville, S.C. 29162

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SC Court of Appeals

South Carolina Court of Appeals  
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P.O. Box 11629  
Columbia SC 29211

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