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Mar 04 2022

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA  
COURT OF APPEALS

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APPEAL FROM BERKELEY COUNTY  
Berkeley County Master in Equity

The Honorable Dale Van Slambrook

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Case No. 2020-CP-08-02051  
Appellate Case No.: 2021-001531

JW Aluminum Company,

Respondent,

v.

Kenneth Washington,  
Estate of James Washington, et. al

Appellant.

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APPELLANT'S MOTION FOR REINSTATEMENT OF  
APPEAL AND LEAVE FOR LATE FILING

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Counsel for Appellant hereby submits a Motion for an Order of Reinstatement of the Appeal and leave for late filing of Appellant's Initial Brief pursuant to South Carolina Appellate Court Rule 260(a) and states to the Court the following:

On December 29, 2021, Appellant timely filed a Notice of Appeal with his Honorable Court, pro se (see Exhibit A). On January 10, 2022, this Honorable Court sent a letter to Appellant requesting his attorney's name and the name of the personal representative of James Washington's Estate (see Exhibit B). Appellant timely responded that he is in the process of hiring an attorney for both the Appeal and the personal representative appointment (see Exhibit C). During this time, Appellant was gathering the funds for those services. Appellant was able to do so on February 24, 2022. On February 28, 2022 Appellant's Counsel sent a Notice of Appearance to; Attorney for

Respondent, David Chard, Esquire at 2050 Spaulding Drive, Suite 2, North Charleston, SC 29406; Mark Weeks, Esquire, at Weeks & Irvine, 8086-B Rivers Avenue, North Charleston, SC 29406; the Clerk of Court for Berkeley County Master in Equity at P.O. Box 609, Moncks Corner, SC 29461; and Clerk of Court, South Carolina Court of Appeals at P.O. Box 11629, Columbia, SC 29211 on February 28, 2022 (see Exhibit D). A copy was mailed to all recipients and emailed to both attorneys on record (see Exhibit E). There was a scrivener's error on the Notice of Appearance and correspondence, naming the Appellant as "Keith" instead of "Kenneth". The same date, an Order of Dismissal was filed on behalf of the South Carolina Court of Appeal, unbeknownst to Appellant or his Counsel until March 3, 2021 (see Exhibit F).

Appellant's Counsel has already begun the Appellant's Brief and has dedicated time towards this case. The Curry Law Firm, LLC is currently working on getting James Washington's Estate reopened so that Kenneth Washington can be appointed as personal representative.

In the lower court, the Appellant, an heir of James Washington's Estate, was never served with the Summons and Complaint and was not put on notice of any hearing but the last hearing which the lower court rendered their judgment. The Appellant has felt that he has missed a fair opportunity to be heard because the lower court entered judgment against him and the estate, leading to a deprivation of his due process.

The Appellant believes that the reinstatement of the Appeal would not be a disadvantage to any of the parties as the Notice of Appearance was served on Respondents and Appellant can move forward, ensuring that all filing deadlines are met.

Further, Appellant's counsel intends to file their Initial Brief within the next twenty-seven (27) days, as required by South Carolina Rule 208.

Pursuant to South Carolina Appellate Court Rule 260(a), this motion is being filed within fifteen (15) days of the dismissal notice.

WHEREFORE, Appellant is respectfully requesting this Court reinstate the appeal and grant the Appellants leave for late filing of Appellant's Initial Brief.

Respectfully submitted, this 4<sup>th</sup> day of March, 2019.

Respectfully submitted,



Wesley Southern, Esquire  
The Curry Law Firm, LLC  
P.O. Box 42270  
6518-D Dorchester Road  
North Charleston, SC 29418  
(843) 767-5284  
Attorney for Appellant

# Exhibit A

FORM 1  
NOTICE OF APPEAL IN A CIVIL CASE

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECEIVED

Dec 29 2021

SC Court of Appeals

APPEAL FROM BERKELEY COUNTY  
Court of Master-In-Equity

Dale E. Van Slambrook, Master-In-Equity

Case No. 2019CP0802051

R. David Chard, Attorney for  
JW Aluminum

Respondent,

v.

Estate of James Washington, et al, Kenneth Washington

Appellant

NOTICE OF APPEAL

The Estate of James Washington, et al, appeals the order [judgment] of the Honorable Dale Van Slambrook, dated December 1, 2021. No notice of the December 1, 2021 hearing was received by the defendant of the trial, on the disposition, nature of trial or hearing on December 1, 2021. The estate or defendants were never given required notice of the December 1<sup>st</sup> hearing or the opportunity to defend the estate. The estate learned of the hearing on December 10, 2021, after making a general inquiry to the court about the reinstatement of hearings due to Covid-19. It was then learned that a hearing had been held in the matter of the estate on December 1, 2021.

December 29, 2021

Sincerely,

s/ Estate James Washington  
104 Courtrier Avenue  
Goose Creek, SC 29445  
c/o Kenneth Washington

Kenneth Washington  
c/o Josephine Sass  
124 Courtrier Avenue  
Goose Creek, SC 29445  
(917) 912-8541  
For Appellant

cc: R. David Chard  
2050 Spaulding Dr. Suite 2  
N. Charleston, SC 29406  
Attorney for Respondent

# Exhibit B



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
CHIEF DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

January 10, 2022

The Estate of James Washington  
Kenneth Washington c/o Josephine Sass  
124 Courtrier Avenue  
Goose Creek SC 29445

Re: JW Aluminum Company v. The Estate of James Washington  
Appellate Case No. 2021-001531

Dear Mr. Washington:

Upon reviewing your notice of appeal, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter or your appeal will be dismissed:

- Please identify the name of the personal representative of the Estate of James Washington as well as the name of the attorney representing the estate.

Very truly yours,

A handwritten signature in cursive script that reads "Catherine J. Fanning, deputy".

CLERK

# Exhibit C

**RECEIVED**

**Jan 20 2022**

**SC Court of Appeals**

The State of South Carolina  
In the Court of Appeals

PO Box 11629  
Columbia SC, 29211  
Fax 803-734-1839

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Appeal from the Berkeley County Court, Master-In-Equity

Dale E. Van Slambrook, Master-In-Equity

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Case Number 2021-001531

The Estate of James Washington, and all Heirs-at-Law or Distributees, Personal Representatives, Successors, Assigns, or Spoused, and all other persons entitled to claim under him or through him and all unknown persons with any right, title or interest in the Real Property subject to this action, those who are adults being a class designated as John Doe and any unknown infants or persons under any disability or persons in the Military Service of the United States of America being a class designated as Richard Roe, Appellant:

Vs

JW Aluminum Co, Respondent

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Personal Representative, Pro, Se

Case Number 2021-001531

Kenneth Washington

124 Courtrier Ave

Goose Creek, SC 29445

917-912-8541

Pro, Se

---

Case # 2021-001531

Richard David Chard, Esquire

2050 Spaulding Drive #2A

North Charleston, SC 29406

843-554-6984

Attorney for Respondent,

Mr. Kenneth Washington has not retained a lawyer (and is working to hire one), he is currently Pro, Se. A personal representative has not been appointed and Mr. Washington is currently working to get that appointment. Counsel will be obtained for both matters of the estate.

s/ Kenneth Washington *KW*

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# Exhibit D

NOTICE OF APPEARANCE

IN THE STATE OF SOUTH CAROLINA  
COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY  
Berkeley County Master in Equity

The Honorable Dale Van Slambrook

Case No. 2021-001531

JW Aluminum Company,

Respondent,

v.

Keith Washington,  
Estate of James Washington, et. al

Appellant.

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE, that Wesley Southern, Esquire appears on behalf of Appellant Keith Washington and further states that he is licensed to practice law in South Carolina and is a member in good standing with the South Carolina Bar.

February 28, 2022

  
Wesley Southern, Esquire  
The Curry Law Firm, LLC  
P.O. Box 42270  
6518-D Dorchester Road  
North Charleston, SC 29418  
(843) 767-5284  
Attorney for Appellant

Other Counsel of Record:  
David Chard, Esquire  
2050 Spaulding Drive, Suite 2  
North Charleston, SC 29406  
Attorney for Respondent

Mark Weeks, Esquire  
Weeks & Irvine  
8086-B Rivers Avenue  
North Charleston, SC 29406

Clerk of Court  
Berkeley County Master in Equity  
P.O. Box 609  
Moncks Corner, SC 29461

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

**PROOF OF SERVICE OF NOTICE OF APPEARANCE**

IN THE STATE OF SOUTH CAROLINA  
COURT OF APPEALS

\_\_\_\_\_  
APPEAL FROM CHARLESTON COUNTY  
Berkeley County Master in Equity

The Honorable Dale Van Slambrook

\_\_\_\_\_  
Case No. 2021-001531

JW Aluminum Company,

Respondent,

v.

Keith Washington,  
Estate of James Washington, et. al

Appellant.

\_\_\_\_\_  
NOTICE OF APPEARANCE

I certify that I, Wesley Southern, Esquire, have served the Notice of Appearance on David Chard, Esquire, Mark Weeks, Esquire, the Clerk of Court for Berkeley County Master in Equity of South Carolina, and the Clerk of Court for the South Carolina Court of Appeals addressed to the below addresses via prepaid postage US Mail.

February 28, 2022

\_\_\_\_\_  
Wesley Southern, Esquire  
The Curry Law Firm, LLC  
P.O. Box 42270  
6518-D Dorchester Road  
North Charleston, SC 29418  
(843) 767-5284  
Attorney for Appellant

Other Counsel of Record:  
David Chard, Esquire  
2050 Spaulding Drive, Suite 2

North Charleston, SC 29406  
Attorney for Respondent

Mark Weeks, Esquire  
Weeks & Irvine  
8086-B Rivers Avenue  
North Charleston, SC 29406

Clerk of Court  
Berkeley County Master in Equity  
P.O. Box 609  
Moncks Corner, SC 29461

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

cc: Richard David Chard, Esquire

# Exhibit E

Re: Appeal Case No.: 2021-001531 Keith Washington

From: EDUARDO CURRY (currylawfirm@bellsouth.net)

To: mweeks@weekslawfirm.net

Date: Monday, February 28, 2022, 04:09 PM EST

Mr. Weeks,

Please find attached correspondence regarding our client, Keith Washington. Please reach out to us to discuss this matter.

Wes Southern, Esq.

6518-D Dorchester Road (29418)

P.O. Box 42270

North Charleston, SC 29423

843-767-5284

843-767-5286 (fax)



022822 Mark Weeks Letter- Keith Washington.pdf  
293.1kB



CS NOA- Keith Washington.pdf  
892.5kB

**Re: Appeal Case No.: 2021-001531 Kenneth Washington**

From: EDUARDO CURRY (currylawfirm@bellsouth.net)

To: dchard@knology.net

Date: Monday, February 28, 2022, 04:07 PM EST

Mr. Chard,

Please find correspondence regarding our representation for Keith Washington. Please reach out to us to further discuss this matter.

Wes Southern, Esq.

6518-D Dorchester Road (29418)

P.O. Box 42270

North Charleston, SC 29423

843-767-5284

843-767-5286 (fax)



022822 David CHard Letter- Keith Washington.pdf  
290.2kB



CS NOA- Keith Washington.pdf  
892.5kB

# Exhibit F

# The South Carolina Court of Appeals

JW Aluminum Company, Respondent,

v.

The Estate of James Washington, and all Heirs-at-Law or Distributees, Personal Representatives, Successors, Assigns, or Spouses, and all other persons entitled to claim under him or through him and all unknown persons with any right, title or interest in the Real Property subject to this action, those who are adults being a class designated as John Doe and any unknown infants or persons under any disability or persons in the Military Service of the United States of America being a class designated as Richard Roe, Appellant.

Appellate Case No. 2021-001531

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## ORDER

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Because Appellant has failed to comply with this court's January 10, 2022, letter requesting Appellant to inform this court of the attorney representing the Estate of James Washington, this appeal is dismissed. This court notes the Estate of James Washington may not proceed pro se on appeal. The remittitur will be sent as required by Rule 221(b), SCACR.



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FOR THE COURT

Columbia, South Carolina

cc:  
The Estate of James Washington  
Richard David Chard, Esquire

**FILED**  
**Feb 28 2022**

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Mar 04 2022

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA  
COURT OF APPEALS

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APPEAL FROM BERKELEY COUNTY  
Berkeley County Master in Equity

The Honorable Dale Van Slambrook

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Case No.: 2020-CP-08-02051  
Appellate Case No.: 2021-001531

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JW Aluminum Company,

Respondent,

v.

Kenneth Washington,  
Estate of James Washington, et. al

Appellant.

---

PROOF OF SERVICE OF  
MOTION FOR RESINSTATEMENT OF APPEAL AND  
LEAVE FOR LATE FILING

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I certify that I, Wesley Southern, Esquire, have served Appellant's Motion for Reinstatement of Appeal and Leave for Late Filing and Exhibits A-F on the Clerk of Court for Berkeley County Master in Equity of South Carolina, David Chard, Esquire, Mark Weeks, Esquire, and the Clerk of Court of the South Carolina Court of Appeals addressed to the below addresses via prepaid postage US Mail and email.

March 4, 2022



Wesley Southern, Esquire  
The Curry Law Firm, LLC  
P.O. Box 42270  
6518-D Dorchester Road  
North Charleston, SC 29418  
(843) 767-5284  
Attorney for Appellant

Attorney for Respondent  
David Chard, Esquire  
2050 Spaulding Drive, Suite 2  
North Charleston, SC 29406  
dchard@knology.net

Mark Weeks, Esquire  
Weeks & Irvine  
8086-B Rivers Avenue  
North Charleston, SC 29406  
mweeks@weekslawfirm.net

Clerk of Court  
Berkeley County Master in Equity  
P.O. Box 609  
Moncks Corner, SC 29461  
dale.vanslambrook@berkeleycountysc.gov

Clerk of Court  
South Carolina Court of Appeals  
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ctappfilings@sccourts.org

