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Apr 01 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, Master in Equity

Appellate Case No. 2022-000277

Georgia Harrison, Barbara Harrison, Joyce Ellen Harrison,
William S. Harrison III, Stanley Roberts, and Diana
Mendheim, individually and as agent and attorney in fact,
Respondents.

v.

Stephanie Lorraine Kirkland, Gary Lamont Kirkland,
Keita Nicole White and Cheryl Kirkland,
Appellants.

**MOTION TO HOLD OR RECALL REMITTITUR
AND TO REINSTATE APPEAL
and
TO EXTEND TIME FOR FILING PROOF OF SERVICE**

Appellants, by and through their undersigned counsel, move this Honorable Court for an order holding the remittitur or recalling the remittitur, in that the Court's order granting the Motion for Dismissal dated March 31, 2022 is based on an error of fact.

As demonstrated by the Affidavit of Proof filed herewith, Counsel did in fact, timely serve the Notice of Appeal and the Amended Notice of Appeal on opposing counsel, and the Court's own records as reflected on C-track verify that a copy of both the original Notice of Appeal and the Amended Notice of Appeal were, in fact, served on opposing counsel at the time they were filed with the Court.

The Court's order of dismissal in concluding that jurisdiction is lacking, because the Notice of Appeal was served on opposing counsel in a timely fashion. Appellant's counsel erred in failing to file Proof of Service at the time the Notice of Appeal was filed, but it is undisputed that the Notice of Appeal was, in fact, served on opposing counsel in a timely manner, as evidenced by the Court's own records.

Service of the Notice of Appeal is the only jurisdictional bar to this Court granting relief insofar as granting an extension of time for filing with this Court. Since court staff did not email Appellant's counsel the deficiency letter dated March 18, 2022, and apparently transmitted it only via United States mail, and since Appellant's counsel did not receive the letter, Appellant's counsel had no notice of the error in failing to file a Proof of Service with the Court.

The cases cited by the Court in its order of dismissal verify that it is service of the notice of appeal itself, not service of Proof of Service, that affects this Court's jurisdiction and ability to grant extensions of time for performance of filing requirements.

Since the Court erred in concluding that Appellant's counsel did not serve opposing counsel with the Notice of Appeal, and the Court's own records reflects that the Notice of Appeal was, in fact, timely served on opposing counsel, this Court retains jurisdiction to grant an extension of time to allow a delayed filing of the Proof of Service, which is filed with this motion. Counsel is informed and believes that his non-receipt of staff's letter of March 18, 2022 constitutes good cause to grant an extension of time to file the Proof of Service at this time, since Counsel was not previously aware of the Court's request of March 18, 2022.

WHEREFORE, having fully set forth the grounds for the relief sought herein, Appellant moves for an order holding the remittitur or, if it has been sent to the circuit court, recalling the remittitur, and granting an extension.

Respectfully submitted,

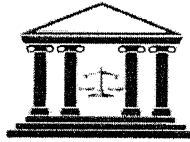
The Houston Law Firm LLC
1000 Main Street
Hilton Head, SC 29926
Phone 843-715-9078

S/ Charles E. Houston Jr.
By Charles E. Houston Jr.
S. C. Bar No. 2663

April 1, 2022
Hilton Head Island, SC

Exhibit A

THE
HOUSTON
LAW FIRM LLC



Charles E. Houston, Jr.

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Mar 09 2022

SC Court of Appeals

March 9, 2022
ctappfilings@sccourts.org

The Honorable Jenny Abbott Kitchings, Clerk,
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

RE: Georgia Harrison et. al. v. Stephine Lorraine Kirland et.al.
Appellate Case No.: not assigned
Beaufort County Common Pleas Case # 2020-CP-07-0231

Dear Ms. Kitchings:

We are submitting for filing with the Court the Defendant's Notice of Appeal in the action referenced above. A check for \$250.00 Dollars to cover the court's filing fee for the appeal taken in this case follows by mail.

With kind regards, I am

Respectfully,
The Houston Law Firm LLC

S/ Charles E Houston Jr.
Charles E. Houston Jr.

Encls: as stated

Cc: Clerk, Beaufort County Courts
Thomas C. Taylor, Esq.
Chester C Williams, Esq.

Encls: as stated

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Mar 09 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS

HON. MARVIN H. DUKES
MASTER IN EQUITY

Case # 2020-CP-07-0231

GEORGIA HARRISON, BARBARA HARRISON,
JOYCE ELLEN HARRISON, WILLIAM S.
HARRISON, III, STANLEY ROBERTS AND
DIANA MENDHEIM INDIVIDUALLY AND AS
AGENT AND ATTORNEY IN FACT,

Plaintiffs,

RESPONDENTS

vs.

STEPHANIE LORRAINE KIRKLAND, GARY
LAMONT KIRKLAND, KIETA NICOLE WHITE,
AND CHERYL KIRKLAND,

Defendants.

APPELLANTS

NOTICE OF APPEAL

Stephine Lorraine Kirland and the above named Defendants, herein, give notice of their appeal from the Order of the Hon. Marvin H. Dukes, Master in Equity and Special Circuit Court Judge, dated and filed on March 8, 2022 and the prior orders filed in the action herein. Appellant received written notice of entry of this order denying their Motion for Reconsideration on March 8, 2022.

The Houston Law Firm LLC
1000 Main Street, Suite 200C
Hilton Head Island, SC 29926
Phone: 843-715-9078
chouston@houstonlawfirm.net

By: *SI Charles E. Houston, Jr.*
Charles E. Houston, Jr.
SC Bar # 2663

March 9, 2022
Hilton Head Island, SC

Other Counsels of Record:

Thomas C. Taylor, Esq.
Law Office of Thomas C. Taylor, LLC
P.O. Box 5550
22 Bow Circle, Suite A
Hilton Head, SC 29928

And

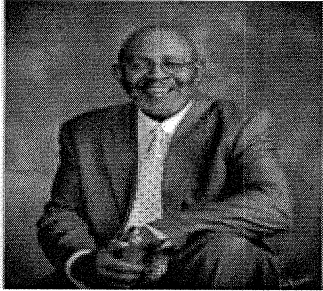
Chester C. Williams, Esq.
Law Office of Chester C. Williams, LLC
17 Executive Park Road, Suite 2
PO Box 6028
Hilton Head Island, SC 29938-6028

Exhibit B

From: Charles E. Houston
To: Jackson, Earsa R.; Rob Brannen; Desa Ballard; Nick Bergelt; Kay White; stephaniekirkland1958@gmail.com
Subject: FW: Notice of Appeal 2020-CP-07-0231
Date: Wednesday, March 9, 2022 11:23:46 AM
Attachments: [Harrison v. Kirkland - NOA.pdf](#)

Attached is the filed notice of Appeal. Atty Taylor has already called. He asked if we would be willing to post a security bond for the purchase price?

Charles



The Houston Law Firm, LLC
1000 Main Street, Suite 200C
Hilton Head Island, SC 29926
Office: 843-715-9078
Email: chouston@houstonlawfirm.net

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From: [Court Of Appeals Filings](#)
Sent: Wednesday, March 9, 2022 10:15 AM
To: [Charles E. Houston](#); [Court Of Appeals Filings](#)
Cc: [Law Office of Chester C. Williams](#); tom@thomastaylorlaw.com
Subject: RE: Notice of Appeal 2020-CP-07-0231

Dear Counsel:

The Court has received your filing. A stamped copy is attached for your records.

Thank you.

From: Charles E. Houston [<mailto:chouston@houstonlawfirm.net>]
Sent: Wednesday, March 9, 2022 10:03 AM
To: [Court Of Appeals Filings](#) <ctappfilings@sccourts.org>

Cc: Law Office of Chester C. Williams <firm@ccwlaw.net>; tom@thomastaylorlaw.com

Subject: Notice of Appeal 2020-CP-07-0231

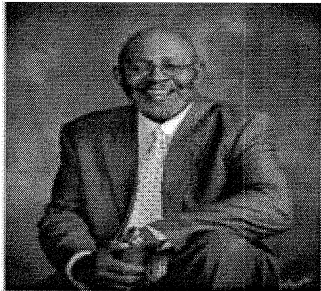
***** EXTERNAL EMAIL:** This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. ***

Dear Office of the Clerk of Court:

Attached is our cover letter and Notice of Appeal.

Thank you.

Charles Houston



The Houston Law Firm, LLC
1000 Main Street, Suite 200C
Hilton Head Island, SC 29926
Office: 843-715-9078
Email: chouston@houstonlawfirm.net

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**Apr 01 2022**  
**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Marvin H. Dukes, Master in Equity

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Appellate Case No. 2022-000277

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Georgia Harrison, Barbara Harrison, Joyce Ellen Harrison,  
William S. Harrison III, Stanley Roberts, and Diana  
Mendheim, individually and as agent and attorney in fact,  
Respondents.

v.

Stephanie Lorraine Kirkland, Gary Lamont Kirkland,  
Keita Nicole White and Cheryl Kirkland,  
Appellants.

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**PROOF OF SERVICE**

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I hereby certify that this law firm represents the Appellants in the above captioned matter and that on the date below and Hilton Head Island South Carolina I served a copy of the foregoing on the following persons by US mail, first class postage prepaid, and an electronic mail to his AIS email address:

**Documents served:**

**(1) Proof of Service and**

**(2) Motion to Recall Remittitur and Grant Extension of Time to File Proof of Service.**

**With Exhibit A and Exhibit B attached**

**Parties Served:**

Thomas C. Taylor, Esq.  
Law Office of Thomas C. Taylor, LLC  
P.O. Box 5550  
22 Bow Circle, Suite A  
Hilton Head, SC 29928

And

Chester C. Williams, Esq.  
Law Office of Chester C. Williams, LLC  
17 Executive Park Road, Suite 2  
PO Box 6028  
Hilton Head Island, SC 29938-6028

**Attorneys for Respondents**

**This 1<sup>st</sup> day of April, 2022**

The Houston Law Firm LLC  
1000 Main Street, Suite 200C  
Hilton Head Island, SC 29926  
Phone: 843-715-9078  
[chouston@houstonlawfirm.net](mailto:chouston@houstonlawfirm.net)

By: S/ Charles E. Houston, Jr.  
Charles E. Houston, Jr.  
SC Bar # 2663

Hilton Head Island, SC



March 29, 2022

Via U.S. Mail and Email (ctappfilings@sccourts.org)

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

**RECEIVED**  
**Apr 01 2022**  
**SC Court of Appeals**

**Re: Georgia Harrison v. Stephanie Kirkland  
Appellate Case No.: 2022-000277**

Dear Ms. Kitchings:

I am submitting for filing in the above referenced case the following items:

- (1) Proof of Service
- (2) Proof /Affidavit of Service by e-mail and mailing
- (3) Motion to Recall Remittitur and Grant Extension of Time to File Proof of Service.

With Exhibit A and Exhibit B attached

- (4) Check for \$50.00

Thank you in advance for your consideration of this request. If you have any questions, please do not hesitate to contact my office.

With kind regards, I am,

Respectfully,

The Houston Law Firm LLC

S/ Charles E. Houston Jr.  
Charles E. Houston Jr.  
Attorney for Appellant  
SC Bar # 2663

cc: Via Email

Thomas Taylor, Esquire  
Chester Williams, Esquire  
Encls: as stated