

RECEIVED

Apr 01 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Beaufort County
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.

PROOF/AFFIDAVIT OF SERVICE

I, Charles E. Houston, attorney for Appellants, being duly sworn,
deposes and says that:

1. I served opposing counsel, Chester Williams and Thomas Taylor, with a copy of the Notice of Appeal via email on March 9, 2022 at 10:03 am, as established by **Attachment A**, attached hereto and incorporated herein.
2. The Court of Appeals confirmed receipt of the filing and service of the notice of appeal and of service on opposing counsel, as indicated by email to me on Wednesday, March 9, 2022 at 10:15 a.m. *Id.*

3. While I did timely serve the Notice of Appeal on opposing counsel, I inadvertently omitted filing with the Court of the Proof of Service on Opposing Counsel for the Notice of Appeal. However, I am informed and believe that failure to file Proof of Service is not a jurisdictional defect, and that only the failure to serve the Notice of Appeal would have been a jurisdictional defect.
4. Also on March 13, 2022, I filed with the Court of Appeals and served on opposing counsel an Amended Notice of Appeal as requested by the Court. This email was also served on opposing counsel. **Exhibit B.**
5. According to the Court's order dated March 31, 2022, received by the undersigned on April 1, 2022, a letter was sent via United States mail to me by court staff on March 18, 2022 advising that I have not enclosed a proof of service of the Notice of Appeal and asking that I file one.
6. I examined the Court's record on C-track and note that the letter dated March 18, 2022, which I did not receive, was transmitted to me only via United States Mail and not via email.
7. Since I did not receive the Court's letter dated March 18, 2022, I was unaware of the Court's request to file a Proof of Service of the Notice of Appeal.
8. By this affidavit with attachment, I certify under oath that I did, in fact, serve a copy of the Notice of Appeal on opposing counsel on March 9, 2022.
9. Further by this affidavit with attachment, I certify under oath that I did, in fact, serve a copy of the Amended Notice of Appeal on opposing counsel on March 13, 2022.
10. My transmittal of the emails dated March 9, 2022 to the Court of Appeals, copied to opposing counsel, and email dated March 13, 2022 to the Court of Appeals, also copied to opposing counsel, reflect the accurate email addresses of opposing counsel.

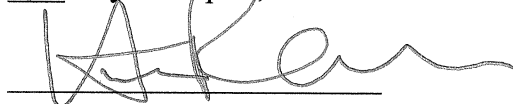
11. I am informed and believe that the Court's own records, as evidenced on C-track, show that the Notice of Appeal and Amended Notice of Appeal, were in fact, served on opposing counsel at the time they were filed with the Court of Appeals.



Charles E. Houston

Sworn to before me this

1st day of April, 2022.



Notary Public for South Carolina

My commission expiration 12-12-2026

