

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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JUN 10 2022

SC Court of Appeals

APPEAL FROM LAURENS COUNTY
Court of Common Pleas
Frank R. Addy Jr., Circuit Court Judge

Case No.: 2020-CP-30-0814

Norman Goering and Donna Goering

Respondents,

v.

Earl E. Kelley d/b/a Kelley General Contractors,

Appellant.

Petition to File Notice of Appeal Out of Time


Appellant Earl E. Kelley d/b/a Kelley General Contractors petitions this Court for an order allowing Kelley to file his Notice of Appeal out of time. Kelley served Respondents Norman Goering and Donna Goering with the Notice of Appeal on May 9, 2022, through their counsel, M. Stokely Holder. Kelley also filed the Notice of Appeal with the Laurens County Court of Common Pleas on May 9, 2022. Kelley was required to file the Notice of Appeal with the Court of Appeals within ten days of service pursuant to Rule 203(d)(1)(B), SCACR. Kelley inadvertently did not timely file the Notice of Appeal with the Court of Appeals. Kelley is simultaneously filing the Notice of Appeal along with the orders being appealed from and the NEF, which shows the filing and service of the Notice of Appeal the Court of Common Pleas.

Kelley respectfully asks this Court to relax the requirements of Rule 203(d)(1)(B), SCACR, and allow Kelley to file the Notice of Appeal in this case nineteen days out of time. See Rule

263(b), SCACR (“The time prescribed by these rules for performing any act except the time for serving the notice of appeal under Rule 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof.”) The undersigned apologizes for any inconvenience this this request has caused the Court or Respondents and avers that this request will not result in any prejudice to Respondents.

Appellant Earl E. Kelley d/b/a Kelley General Contractors, therefore, requests an extension to file his Notice of Appeal out of time in this case.

Respectfully Submitted,



Stephen D. Geoly
222 Phoenix St.
Greenwood, SC 29646
(864) 223-3352
Attorneys for Appellants

June 7, 2022

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GEOLY LAW FIRM

STEPHEN D. GEOLY

June 7, 2022

South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

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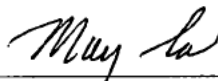
**RE: Norman Goering and Donna Goering vs. Earl E. Kelley d/b/a Kelley General
Contractors
Case Number: 2020-CP-30-00814**

Dear Sir/Madam:

Please find enclosed the Petition to File Notice of Appeal Out of Time, along with supporting documentation and the required \$250.00 filing fee. Please let us know if this is accepted and the appeal number assigned to said matter.

Yours very truly,

GEOLY LAW FIRM



Mary T. Lockard, Paralegal

Enclosure

Cc: M. Stokely Holder
Earl Kelley



Greenville P&DC 296
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