

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

68590

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
The Honorable Carmen T. Mullen,
Circuit Court Judge

Civil Action No. 2010-CP-07-2407

Bank of America, N.A.,.....Respondent,

versus

Jerry C. Wardlaw Construction of South Carolina, Inc.;
Jerry C. Wardlaw Construction, Inc.;
Wardlaw Construction of Effingham, LLC;
JCW Construction, LLC; Jerry C. Wardlaw; Jack Wardlaw;
New Riverside Association, Inc.; and Midpoint at New Riverside
Homeowners Association, Inc.,.....Defendants,

Of whom

Jerry C. Wardlaw Construction of South Carolina, Inc.;
Jerry C. Wardlaw Construction, Inc.;
Wardlaw Construction of Effingham, LLC;
JCW Construction, LLC; Jerry C. Wardlaw; Jack Wardlaw
are the.....Appellants.

**RESPONDENT'S MOTION TO FILE OUT OF TIME INITIAL BRIEF AND
DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON
APPEAL**

Robert C. Byrd
Frank B. Ulmer
PARKER POE ADAMS & BERNSTEIN LLP
200 Meeting Street, Suite 301
Charleston, SC 29401
Phone: (843) 727-2650
Attorneys for Respondent

RECEIVED

MAY 31 2013

SC Court of Appeals

Respondent, by and through its undersigned counsel, hereby moves the Court for an Order allowing it to file out of time its Initial Brief and Designation of Matter to be Included in the Record of Appeal (the "Initial Brief and Designation"). Respondent's Initial Brief and Designation were due on May 28, 2013. Intending to timely file, Respondent mailed the Initial Brief and Designation to the other parties and attempted to mail the Initial Brief and Designation to the Court on May 24, 2013. Unfortunately, Respondent inadvertently placed the original Initial Brief and Designation in a return envelope to itself rather than an envelope addressed to the Court, a fact Respondent discovered when it received the original Initial Brief and Designation in the mail on May 29, 2013 (see attached copy of envelope). Respondent timely completed its Initial Brief and Designation, had every intention of timely filing, and, indeed, attempted to timely file. Based on the foregoing, Respondent respectfully requests that the Court allow it to file out of time the Initial Brief and Designation.



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Attorneys for Respondent

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PROOF OF SERVICE

The undersigned hereby certifies that on May 29, 2013, the foregoing
**RESPONDENT'S MOTION TO FILE OUT OF TIME INITIAL BRIEF AND
DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON
APPEAL** were served on all counsel of record addressed as follows:

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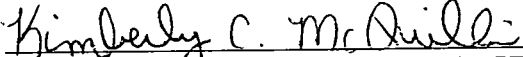
*Attorney for Defendants Jerry C. Wardlaw
Construction of South Carolina, Inc.; Jerry
C. Wardlaw Construction, Inc.; Wardlaw
Construction of Effingham, LLC; JCW
Construction, LLC; Jerry C. Wardlaw;
Jack Wardlaw; and Midpoint at New
Riverside Homeowners Association, Inc.*

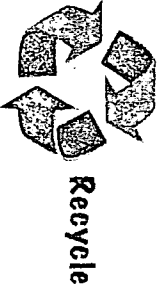
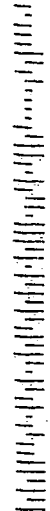
Served via U.S. Mail

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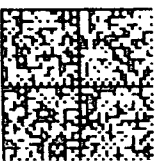
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