

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

The Honorable H. Bruce  
Williams Chief Judge

**RECEIVED**

**Nov 21 2022**

**SC Court of Appeals**

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas- Master-In-Equity  
Court Trial Court Case No. 2017CP1005427

Appellate Case No. 2021-000793

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Family Services, Inc., as Conservator for Muriel W. Clarkin, Respondent,

V.

Patricia Clarkin Smith and Wells Fargo Bank, NA., Defendants,  
Of whom Patricia Clarkin Smith is the Appellant.

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**REPLY TO RETURN TO MOTION  
ALLOW CORRECTED INITIAL BRIEF AND CORRECTED  
DESIGNATION OF MATTER**

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Appellant, Patricia Clarkin Smith, moved for an extension to file outside of the deadline based on the exceptional circumstances of technical computer failure. Appellant respectfully requests this Motion to be granted.

Appellant also respectfully requests this Honorable Court to deem consent by Respondent to the relief of permission sought in the motion given the Respondent attorney's failure to timely file his RETURN TO MOTION and hereby replies in explanation of said Consent per Rule 240(e), SCACR, as

follows:

1. Per Chief Deputy Clerk Allen's letter dated October 19, 2022, Appellant timely filed and served this required Motion, along with the required Certificate of Service, Initial Brief, and Designation of Matter to be included in the Record on Appeal.
2. These referenced documents in Number 1. are stamped RECEIVED Oct 31 2022 SC Court of Appeals.
3. Appellant served Respondent's attorney via USPS Certified Mail that was postmarked October 31, 2022.
4. Respondent attorney's Return to Motion, Number 1, confirms service by USPS mailing postmarked October 31, 2022 and received on November 3, 2022.
5. The United States Postal Service tracking confirms delivery.
6. This Return to Motion is stamped RECEIVED Nov 16, 2022 SC Court of Appeals.
7. Respondent counsel's CERTIFICATE OF SERVICE is stamped RECEIVED Nov 16, 2022 SC Court of Appeals.

8. Veteran's Day was November 11, 2022. It is a Federal Holiday.
9. Per S.C. App. Ct. Rule 240(e) Return to Motion, " Any party opposing a motion or petition shall have ten (10) days from the date of service to file an original and...serve on all parties a copy of the return." Rule 240(e), SCACR
10. Per S.C. App. Ct. Rule 240(e) Return to Motion, "Failure of a party to timely file a return may be deemed a consent by that party to the relief sought in the motion or petition.
11. Respondent's attorney failed to timely file his Return to Motion within ten (10) days, thus deeming consent.

Respondent's counsel raises a set of issues in his Return to Motion, including Appellant's medical history. Appellant humbly defers to reply without the protection of an order granting seal.

Appellant's CERTIFICATE OF SERVICE is included per Rule 240, SCACR.

WHEREFORE, based on the grounds stated herein above, Appellant respectfully requests that this Honorable Court issue an order granting Appellant's Motion for Continuance and Extended Deadline, thus allowing this appeal to proceed.

Respectfully submitted,

November 21, 2022  
Charleston County

s/Patricia Clarkin Smith  
Patricia Clarkin Smith  
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*Appellant Pro Se*

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*Attorney for Respondent*

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**CERTIFICATE OF SERVICE**

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I certify that on this 21<sup>st</sup> day of November 2022, I have served Appellant's REPLY to Respondent's RETURN TO MOTION by first class mail addressed as follows:

THE LAW OFFICE OF DAVID CONOR KEYS, LLC  
Attorney D. Conor Keys  
P.O. Box 14225  
Charleston, SC 29422

November 21, 2022

Charleston County

s/Patricia Clarkin Smith  
Patricia Clarkin Smith  
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