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Dec 19 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

Appellate Case # 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

vs.

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

APPELLANTS

MOTION TO FILE MOTION FOR REHEARING OUT OF TIME

The appellants would, with leave of court, move the court pursuant to Rules 224, 221 and 263 SCRAP for an Order permitting the filing of the Appellants Motion for

En Banc Hearing submitted by the Appellant at 3:10 a.m. on December 16, 2022 and filed by the court on or sometime prior to 9:57 a.m. on December 16, 2022. The November 30, 2022 Order of the court from which the motion was predicated upon was due by December 15, 2022.

The event that caused the delay for the timely filing of the motion was an internet failure. While the time that counsel was waiting for the internet service to be restored counsel fell asleep sitting in front of his computer. At the time he awoke the internet service had been restored and the filing was then submitted.

Counsel is informed and believes that this event is an excusable neglect, that no prejudice was incurred by the Respondents and that justice is better served by the adjudication upon the merits of an issue *vis a 'vis* a technical default.

Respectfully submitted,

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

By: S/ Charles E. Houston, Jr.
Charles E. Houston, Jr.
Attorney for Appellants
SC Bar# 2663/ Fed Bar# 1961

December 17, 2022
Hilton Head Island, SC

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LAMONT KIRKLAND, KIETA NICOLE WHITE,
AND CHERYL KIRKLAND,**

APPELLANTS

PROFF OF SERVICE

I hereby certify that this law firm represents the Appellants in the above captioned matter and that on the date below at Hilton Head Island South Carolina I served a copy of the foregoing **Motion `to File Motion for En Banc Rehearing**

Out of Time and the **Proof of Service** on the following persons by electronic mail to their AIS email addresses and by US mail, first class postage prepaid, on December 15, 2020

Documents served:

(1) Proof of Service and

(2) Motion for En Banc Rehearing

Parties Served:

Thomas C. Taylor, Esq.
Law Office of Thomas C. Taylor, LLC
P.O. Box 1808
Bluffton, SC 29910

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 17th day of December, 2022 at Hilton Head Island, SC

The Houston Law Firm LLC
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Phone: 843-715-9078
chouston@houstonlawfirm.net

By: S/ Charles E. Houston, Jr.
Charles E. Houston, Jr.
SC Bar# 2663/ Fed Bar 1961
Attorney for Appellants