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Dec 19 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHEROKEE COUNTY
Court of Common Pleas

Letitia H. Verdin, Judge

Opinion No. 2022-UP-429 (Filed December 7, 2022)
Appellate Case No.: 2021-000269
C.A. No. 2020CP1100632

Bobby E. Leopard, Luther Harris, and Donna Harris,

Appellants,

v.

Perry W. Barbour,

Respondent.

MOTION TO FILE OUT OF TIME

Appellants respectfully request leave to file their Petition for Rehearing. Petitioners seek the opportunity to file on Monday, December 26, 2022. In support of this request, Appellants state as follows:

Appellants seek the opportunity to have their case revisited by this Honorable Court. Appellants do not ask for this courtesy for the purpose of delay. They wish to maximize the effectiveness of the petition. Moreover, this extension would not prejudice the Respondents in any way.

s/Donald L. Smith

Donald L. Smith (SC Bar#6699)
2722 W. Whitner Street
Anderson, SC 29626
Telephone: (864) 642-9284
Facsimile: (864) 642-9285

Anderson, South Carolina
December 19, 2022.

attorneydonaldsmith@gmail.com

Attorney for Appellant

Anderson, South Carolina

December 19, 2022.

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**FORM 7
PROOF OF SERVICE**

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PROOF OF SERVICE

I certify that I have served a \$50.00 check, a Motion to File Out of Time, and proof of service for same, upon The Honorable Jenny Abbott Kitchings, Clerk of South Carolina Court of Appeals, at P.O. Box 11629, Columbia SC 29211, and the Respondents, by and through their counsel of record, Mr. David L. Moore, Esquire, at DMoore@turnerpadget.com.

Anderson, South Carolina
December 19, 2022.

s/Donald L. Smith

Donald L. Smith, (Bar No.: 6699)
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Facsimile: (864) 642-9285
attorneydonaldsmith@gmail.com
Attorney for Appellants

FORM 8
LETTER TO THE COURT OF APPEALS CLERK OF COURT
FILING NOTICE OF APPEAL

December 19, 2022

The Honorable Jenny Abbott Kitchings
Clerk of Court South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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SC Court of Appeals

RE: Bobby E. Leopard, Luther Harris, and Donna Harris vs. Perry W. Barbour
Opinion No. 2022-UP-429 (Filed December 7, 2022)
Appellate Case No.: 2021-000269
Case No. 2020-CP-1100632

Dear Ms. Kitchings:

Please find attached the following documents for filing in the above-referenced case:

1. Check for \$50.00;
2. Motion to File Out of Time; and
3. Proof of Service for same.

Sincerely,

s/Donald L. Smith
Donald L. Smith (Bar No.: 6699)
2722 W. Whitner Street
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attorneydonaldsmith@gmail.com
Attorney for Appellants

cc: David L. Moore, Esquire