

# The South Carolina Court of Appeals

Ernest Alvin Timmons as Trustee of the Ernest A.  
Timmons Revocable Trust, Appellant,

v.

Neil O. Gifford, Amy E. Gifford, Johnny L. Brewer,  
Joseph Gray Peeples, Brian M. Hinson, Karen B. Hinson,  
George R. Dickey, H. Alvin Dobson, Jr., Kimberly A.  
Dobson, Gene G. Slice, Andrea C. Klucsarits, Becky P.  
Hildebrand, Gregory T. Hildebrand, Marsha Dean Ford,  
Harriet H. Ford, Lucas W. Durham, Marianne Durham,  
John D. Meyer, Meryl V. Truett, Christian W. Kern,  
Russel V. Schumpert, Carlton Mark Schumpert,  
Elizabeth O'Neal Schumpert, Russell C. Amick, Pamela  
S. Burnett, Mary Alice Broderick, Ellen N. Gifford,  
Robert M. McAlister, Barbara M. Vaughan, Margie J.  
Crews, Will Mills, Tracy Mills, BDM Investments, LLC,  
James P. Thomas, Lillian M. Thomas, J. Wyman Wall,  
III, Karl A. Overcash, Patsy V. Coppage, Steven M.  
Robison, Charles Schmid, Larry M. Bane, Renee C.  
Bane, Robert Gallina, Margaret E. Gallina, Bert Kerwin,  
Richard C. Guarneri, Maria Guarneri, and James P.  
Thomas; if any of these persons are living, and if not  
living, then the heirs, devisees or successors in title to  
them; and all persons unknown having or claiming to  
have any right, title, interest in, easement upon, or lien  
upon the real property described in the complaint herein  
being designated collectively as John Doe and Mary Roe;  
including all persons who may be deceased, minors in the  
Armed Forces of the United States, Non Compos Mentis  
or under any other disability, Respondents.

Appellate Case No. 2010-166447

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ORDER

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On February 11, 2011, this court remanded this matter to the trial court for a reconstruction of the record because the court reporter was unable to produce the transcript. On November 14, 2012, this court requested a status update of the reconstruction hearing. On December 14, 2012, Respondents filed a motion to dismiss based on Appellant's failure to respond to this court's request. Thereafter, this court granted Respondents' motion to dismiss. Appellant has now filed a petition to reinstate, requesting the appeal be reinstated and this court order a new hearing. After careful consideration of the parties' filings, this appeal is reinstated because Appellant has now provided a written update of the status of this matter. Based on the information provided by the parties and because it appears a reconstruction hearing has not yet been held, this court declines to order a new hearing at this time. This court notes that this appeal has been pending for over two years; accordingly, the trial court is urged to schedule a reconstruction hearing as expeditiously as possible.

  
FOR THE COURT

Columbia, South Carolina

**FILED**

5-24-13 AS

cc:

James John Wegmann  
George H. O'Kelley, Jr.  
A. G. Solomons, Jr.  
George Hamlin O'Kelley, III  
Karl D. Twenge  
Gregory and Becky Hildebrand  
Johnny L. Brewer  
Mary Alice Broderick  
Russell Amick  
Steven M. Robinson