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Jan 05 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

James E. Chellis, Master-In-Equity

Appellate Case No. 2020-001127

1st Franklin Financial
Corporation

Respondent,

v.

Roby A. Adams

Appellant.

MOTION TO SUBSTITUTE APPELLANT

John R. Cantrell, Jr., SC Bar # 10309
Cantrell Legal, PC
108 Phillips Ct.
St. Matthews, SC 29135-8582
(843) 797-2454
johncantrelljr@gmail.com
Attorney for Appellant

By letter filed December 7, 2022, this court has instructed Appellant to file a Motion to Substitute the personal representative of the former Appellant's estate as the Appellant due to Appellant's death while this matter has been pending in this court. Since counsel for Appellant has now been able to establish communication with the personal representative of Appellant's estate, whose name is Mrs. Tara Tankersley, and has obtained her permission to file this motion, Appellant now moves, pursuant to Rule 265(b), SCACR, that this court change the name of the appellant in this case from Roby A. Adams to the Estate of Roby A. Adams.

Appellant's counsel has communicated with opposing counsel via email and opposing counsel does not object to this motion.

WHEREFORE, Appellant respectfully requests that the court take the following actions:

- A. Change the name of the Appellant in this case from Roby A. Adams to the Estate of Roby A. Adams or to such other designation as the court may find to be appropriate.
- B. For such other relief as may seem appropriate to the court.

Dated this January 5, 2023

/s/ John R. Cantrell, Jr.
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PROOF OF SERVICE

All counsel of record have been served with this Motion to Substitute Appellant by simultaneous email service to their email address of record indicated below on this January 5, 2023.

Email addresses served:

Robert C. Osborne III at his email address of robertosborne@parkerpoe.com

Robert H. Jordan at his email address of robertjordan@parkerpoe.com.

/s/ John R. Cantrell, Jr.
Attorney for Appellant

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Email: johncantrelljr@gmail.com

January 5, 2023

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: 1st Franklin Financial Corporation v. Roby A. Adams
Case No. 2020-001127

Dear Miss Kitchings:

Enclosed please find the filing fee of \$50.00 for Appellant's Motion to Substitute Appellant, which motion is being filed with the court via email, with copies via email to the parties indicated below.

/s/ John R. Cantrell, Jr.
John R. Cantrell, Jr.
Cantrell Legal, PC
108 Phillips Ct.
St. Matthews, SC 29135-852
(843) 797-2454
Attorney for Appellant

cc: Robert C. Osborne III and Robert H. Jordan via email only