

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

J. Cordell Maddox Jr., Circuit Court Judge

Circuit Court Case No. 2022-CP-04-01976

EYZC RE, LLC,

Respondent

and

Danny L. Ivester, Sr.,

Appellant

RESPONDENTS MEMORANDUM IN OPPOSITION TO APPELLANT’S MOTION FOR
PERMISSION TO ORDER TRANSCRIPT OUTSIDE OF THE FILING DEADLINES

Appellant has requested that this Court allow him additional time to order the transcript of the Circuit Court proceedings. Appellant appears to acknowledge that he is beyond the required time to order the transcript. Appellant is bound by Rule 207 of SCACR. This Rule states in pertinent part:

RULE 207 TRANSCRIPT OF PROCEEDING

(a) Appeals From a Lower Court

(1) Ordering the Transcript. Where a transcript of the proceeding must be prepared by the court reporter, appellant shall, within the time provided for ordering the transcript, make satisfactory arrangements (including agreement regarding payment for the transcript), in writing with the court reporter for furnishing the transcript. In appeals from the court of common pleas, masters-in-equity, special referees or the family court in domestic actions, the transcript must be ordered within ten (10) days after the date of service of the notice of appeal...

Rule 207 SCACR.

In the instant matter, the lower court’s final order was filed and served on January 4, 2023. Pursuant to Rule 203, Appellant had 30 days from that date with which to file an Appeal with this Court. Appellant attempted to file a Notice of Appeal on January 11, 2023, with either the Court of Appeals and/or the Supreme Court (it was not clear in the filing). As per the pending issue regarding the insufficiency of that filing and the Respondent’s return, the Appeal should be dismissed, rendering the instant Motion moot. In the alternative, Appellant had ten (10) days from that date with which to order the transcript of the proceeding pursuant to Rule 207. Appellant failed

to order the transcript within those ten (10) days. In fact, Appellant did not attempt to order the transcript until March 11, 2023, the same date as the filing of the instant motion.

Therefore, Respondent respectfully requests that this Court deny this Motion Requesting Permission to Order Transcript Outside of the Filing Deadlines, and dismiss Appellant's appeal.

Respectfully submitted,

By: /s/ M. Stokely Holder

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Attorneys for Respondent EYZC RE, LLC

March 16, 2023
Greenville, South Carolina

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SC Court of Appeals

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CERTIFICATE OF SERVICE

I, the undersigned attorney for the Respondent EYZC RE, LLC, do hereby certify that I have served Respondent's Memo in Opposition to Appellant's Motion for Permission to Request Transcript Outside of the Filing Deadlines on Danny L. Ivester, Sr. by mailing a copy of the same to 211 Hwy 17, Piedmont, South Carolina 29673. I also certify that I have served the Respondent's Memo in Opposition to Appellant's Motion for Permission to Request Transcript Outside of the Filing Deadlines on the South Carolina Court of Appeals by mailing a copy of the same to The Honorable Jenny Abbott Kitchings, Clerk of Court, P.O. Box 11629, Columbia, SC 29211, and by electronic mail at: ctappfilings@sccourts.org.

By: /s/ M. Stokely Holder

M. Stokely Holder

SC Bar No.: 73892

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March 16, 2023