

64289

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Charles B. Simmons, Circuit Court Judge

Appellate Case No. 2012-211971

Bill J. Vernon, Jr. and Sandra  
Vernon,

Respondents,

v.

Landmarc Constructors, Inc.,  
d/b/a Landmarc Custom  
Homes, Marcus Dunn, and  
Yoder's Building Supply, Inc.  
Defendants,

Of whom Landmarc  
Constructors d/b/a  
Landmarc Custom  
Homes and Marcus  
Dunn are Appellants,

Yoder's Building Supply, Inc.,

Third Party Plaintiff,

v.

Sandra Ann Vernon and Billie  
James Vernon, Jr. Trustees, or  
their successors in trust, under  
the Sandra Ann Vernon  
Living Trust, Dated June 12,  
2000, as thereafter amended,  
Gary Dunn, individually, and  
Kerri Dunn, individually,

Third Party  
Defendants.

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SC Court of Appeals

MOTION TO ORDER TRANSCRIPT OUT OF TIME

Come now, the Appellants, by and through their undersigned counsel, who hereby move to Order the Transcript in the above listed case out of time, would show unto this Court:

I.

On April 27, 2012, the attorney for the Appellants served the Notice of Appeal upon counsel for the Appellants. On April 29, 2012 the attorney for the Appellants was injured in an Irish Hurling Match and was admitted to the emergency room at Hillcrest Hospital in Simpsonville, South Carolina. He was placed under the care of a specialist the following day, and entered surgery that Thursday, May 3, 2012. Upon his return to work on Sunday, May 6, 2012, Appellant discovered that the Proof of Service in this matter had not been mailed. Appellant's attorney then mailed the proof of services as required by rule, but inadvertently did not include the Order of transcript and proofs of service for mailing. On May 17, 2012, Appellant's attorney discovered that the paperwork had not been sent, and thus filed this Motion. The attorney for the Appellant believes that this Motion would not prejudice the opposing parties in any way, and asks the Court of Appeals to grant this Motion and allow him to Order the transcript out of time by just over one week.

May 17, 2012



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Brandt Rucker  
SC BAR NUMBER # 69403  
522 North Church Street  
Greenville, South Carolina 29601  
(864) 271-9925  
(864) 271-9554  
Attorney for Appellants

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PROOF OF SERVICE

I certify that I have served the Motion To Order Transcript Out of Time on Yoder's

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Building Supply, Inc., by depositing a copy of it in the United States Mail, postage prepaid, on May 17, 2012 addressed to its attorney of record, Tom Dudley, at his mailing address at 704 East McBee Avenue, Greenville, SC 29601.

May 17, 2012

A handwritten signature in black ink, appearing to read "Brandt Rucker", written over a horizontal line.

Brandt Rucker  
522 North Church Street  
Greenville, South Carolina 29601  
(864) 271-9925  
Attorney for Appellant