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Nov 03 2023

SC Court of Appeals

MOTION TO FILE OUT OF TIME

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master in Equity

Case No. 2017-CP-10-5427

FAMILY SERVICES, INC., AS
CONSERVATOR FOR MURIEL W.
CLARKIN V. PATRICIA CLARKIN
SMITH AND WELLS FARGO
BANK, NA.,

Respondent(s),

v.

PATRICIA CLARKIN SMITH AND
WELLS FARGO BANK, NA.,
DEFENDANTS, OF WHOM
PATRICIA CLARKIN SMITH IS
THE APPELLANT,

Appellant(s).

APPELLANT'S MOTION TO FILE OUT OF TIME

Appellant Patricia Clarkin Smith respectfully requests the Court to allow Appellant to file Appellant's amended notice of intent to appeal, letters requesting transcripts, letter to the lower court, initial brief, and designated matter out of time within the next sixty (60) days on the proposed date of January 2, 2023. Counsel for Appellant has determined that the appeal was filed properly as a substantive matter. Counsel for Appellant has reviewed the lower court's proceedings, however, the transcripts may be unavailable pertaining to gathering the Designated Matter on Appeal and writing Appellant's initial brief. Additionally, Appellant initially faced medical issues creating difficulty of coordinating with counsel for Appellant. Subsequently thereafter, counsel for Appellant has faced ongoing medical issues with an order of protection until the end of November of 2023. Respondents received written notice of entry of this order via electronically on November 3, 2023.

Respectfully submitted this 3 day of November, 2023.

DICKSON DAVIS LAW FIRM, LLC

/s/ Deborah D. Davis

Deborah D. Davis, Esq.
SC Bar No.: 102942
620 Rutherford Street
Greenville, SC 29609
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ATTORNEY FOR APPELLANT

South Carolina
Date: August 9, 2023

Other Counsel of Record:
The Law Office David Conor Keys, LLC
D. Conor Keys, Esq.
P.O. Box 14225
Charleston, SC 29422
(843) 906-3998

ATTORNEYS FOR THE RESPONDENTS

PROOF OF SERVICE OF MOTION TO FILE OUT OF TIME

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Case No. 2017-CP-10-5427

FAMILY SERVICES, INC., AS
CONSERVATOR FOR MURIEL W.
CLARKIN,

Respondent(s),

v.

PATRICIA CLARKIN SMITH AND
WELLS FARGO BANK, NA.,
DEFENDANTS, OF WHOM
PATRICIA CLARKIN SMITH IS
THE APPELLANT,

Appellant(s).

PROOF OF SERVICE

I certify that I have served Appellant’s Motion to File Out of Time on Respondents electronically and by depositing a copy of it in the United States Mail, postage prepaid, or by South Carolina Supreme Court Order 2020-05-29-02 via AIS email to opposing counsel, on November 3, 2023, addressed to the attorney of record, to the following address(es):

Family Services, Inc.
c/o D. Conor Keys, Esq.
The Law Office David Conor Keys, LLC
Charleston, SC 29609
Attorney for Respondent(s)

Respectfully submitted this 3 day of November, 2021.

DICKSON DAVIS LAW FIRM, LLC

/s/ Deborah D. Davis, Esq.

Deborah D. Davis, Esq.

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ATTORNEY FOR APPELLANT

Deborah Davis

From: Deborah Davis
Sent: Friday, November 3, 2023 4:23 PM
To: conor@dconorkeyslaw.com
Cc: Christy Owens
Subject: Appellate Case No. 2021-000793 / Civil Case No. 2017-CP-10-05427 (Family Services, Inc., as Conservator for Muriel W. Clarkin v. Patricia Clarkin Smith and Wells Fargo Bank, NA., _
Attachments: 2023_11_03_cover_letter_court_appeals_motion_e-sign.pdf; 2023_11_03_motion_file_out_time_e-sign.pdf; 2023_11_03_motion_file_out_time_POS_e-sign.pdf; D. Davis - Illness Letter.pdf; Doctors_Note.pdf

Conor,

Please see the attached Motion to File Out of Time that I will electronically file with the appellate court.

I have been very unwell over the past 6 weeks. I am seeing a specialist next week on Monday. Prior to that, my client was unwell from her surgery recovery making it difficult to coordinate with her regarding her case.

I have reviewed the lower court's proceedings that are available as a matter of public record. Regardless, I have determined a substantive, constitutional legal issue on appeal that is proper for appeal from the lower court. I have determined that an appeal is proper as a matter of law.

However, I have been unable to locate the transcripts for the court hearings in the lower case. Additionally, I am unsure whether you have additional transcripts from depositions.

Please touch base on Monday to discuss later in the afternoon. I am unable to talk for long periods of time due to an ongoing case of laryngitis for 3+ weeks now. Email is helpful for now.

Thank you for your time and assistance in this matter.

Best Regards,



Deborah D. Davis, Esq.
Attorney at Law

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864.729.3428 tel
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Please note that, unless you have signed the fee contract agreement, the engagement letter, and paid the deposit or retainer fee in full, if applicable, then Dickson Davis Law Firm, LLC, does not represent you in this matter after your initial consultation.

When you receive correspondence from the Dickson Davis Law Firm, LLC, or request work, review, or any of the above as part of your overall consultation, you understand and acknowledge that any consultation work done prior to the scheduled consultation meeting, executing the fee contract agreement, executing the engagement letter, or any of the above is subject to the firm's hourly billing for document review, correspondence with the prospective client (i.e., emails, phone calls, text messages), correspondence with other third parties with the prospective client's permission. Consultations are charged a flat fee. If your consultation exceeds one hour, then your consultation fee will include the flat fee for your initial consultation and the overage is billable on an hourly, prorated basis.

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DICKSON DAVIS LAW FIRM

RECEIVED

Nov 03 2023

SC Court of Appeals

NOTICE OF MOTION

November 3, 2023

Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
P.O. Box 11629
Columbia, SC 29211

VIA EMAIL CTAPPFILINGS@SCCOURTS.ORG

Re : *Family Services, Inc., as Conservator for Muriel W. Clarkin v. Patricia Clarkin Smith and Wells Fargo Bank, NA., Defendants, Of whom Patricia Clarkin Smith is the Appellant*

Case No. : 2017-CP-10-05427

Appellate Case No. : 2021-000793

File Id. : 2023-06-002-PSC-002

Dear Clerk of Court:

This letter is to inform you of the motion to file out of time for Appellant to file an initial brief and designated matter in sixty (60) days by January 2, 2024. The requisite \$50.00 has been mailed accordingly. See attached.

Please let me know what further you require from me at this time. Thank you for assistance with this matter.

Respectfully submitted this 3 day of November, 2023.

/s/ Deborah D. Davis

Deborah D. Davis, Esq.
SC Bar No.: 102942
Attorney for Appellant

cc: The Law Office David Conor Keys, LLC
D. Conor Keys, Esq.
P.O. Box 14225
Charleston, SC 29422
(843) 906-3998

ATTORNEYS FOR THE RESPONDENTS

/ddd