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May 20 2024

SC Court of Appeals

May 20, 2024

Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

Re: BOKF Real Estate Holding, LLC v. T&S Management, Inc.- 2023-001147

Dear Ms. Kitchings:

Our firm represents Respondent BOKF Real Estate Holding, LLC in this appeal. I am in receipt of the Court's Order filed on May 6, 2024 granting Appellants' motion to file their initial brief and designation of matter out of time.

For clarification purposes, I am requesting confirmation from the Court that the Appellants' initial brief and designation are considered as "filed" on May 6, 2024 - the date the Court issued the Order.

Thank you for your consideration of the foregoing request.

Sincerely,

Ed Kubec

Edward M. Kubec, Esq.

cc: Michael Mogil, Esq. (via email)

The South Carolina Court of Appeals

BOKF Real Estate Holding, LLC, Respondent,

v.

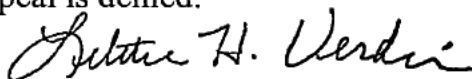
T&S Management, Inc. and Turan Strange, Appellants.

Appellate Case No. 2023-001147

ORDER

After careful consideration, Appellants' motion to file their initial brief and designation of matter out of time is granted, and Appellants' brief and designation are accepted as filed. As to Appellants' request for an extension to order the transcript, we direct Appellants to this court's November 16, 2023 order, in which we denied Appellants' motion to amend the notice of appeal to include the summary judgment order, because the notice of appeal as to that order was not timely served. However, to the extent the transcript of the underlying proceeding was "presented to" the lower court pursuant to Appellants' motion for reconsideration, Appellant shall provide proof of ordering the transcript of the hearing within ten days of the date of this order. *See* Rule 210(c), SCACR ("The Record shall not . . . include matter which was not presented to the lower court or tribunal."). If no such proof is filed, this court will presume the transcript is not proper for inclusion in the record on appeal.

Respondent's request to dismiss this appeal is denied.



FOR THE COURT

Columbia, South Carolina

cc:
Edward Michael Kubec, Esquire
Michael W. Mogil, Esquire

FILED
May 06 2024
