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SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM YORK COUNTY  
In the Circuit Court

The Honorable Carolyn E. Woodruff, Judge of Probate  
The Honorable Daniel D. Hall, Circuit Judge

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Appellate Case No. 2024-00259

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BERNICE CALDWELL,

Appellant,

v.

PATRICIA MITCHELL, in her own right and as Personal Representative,  
DENNIS MITCHELL, SHARON M. CULP, THOMAS LAMONT DAVIS,  
SUMTER O'NEAL CALDWELL and LATRINDA ROBINSON,

of whom PATRICIA MITCHELL,  
in her own right and as Personal Representative, is the

Respondent.

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MOTION TO AMEND RECORD ON APPEAL and  
FOR EXTENSION OF TIME or TO FILE OUTSIDE TIME

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Pursuant to Rules 240 and 263(b), S.C.A.C.R., the Appellant, by her counsel herein, moves this Court for an order allowing her to amend the Record of Appeal, and for an extension of time as to filing the Record on Appeal, on the grounds stated below:

1. By Counsel for Appellant's calculation, the Record on Appeal in this matter is past due to the Court. By the Clerk's letter of October 23, 2024, the same was required within ten days.
2. Despite counsel's efforts to meet the original deadline, he has been prevented by his former landlord's ending of his office lease of some 19 years, by the effects of moving to a new office and the need to re-constitute his practice therein. He also pleads, generally, the press

of business as a reason for delay.

3. To this end, counsel for Appellant requests an extension of time to file the Record on Appeal until this date.
4. In preparing the Record on Appeal, counsel noticed that by inadvertence he had omitted the rulings from the appeal to Circuit Court on the appeal from the Probate Court. By prior agreement with opposing counsel, the Record on Appeal contains that matter submitted to the Circuit Court, but does not reproduce it a second time.
5. The said rulings from the Circuit Court were submitted to this Court with the Notice of Appeal. On knowledge and information, no prejudice is worked to the opposing party by their inclusion in the Record on Appeal.

The basis of this Motion is the within-cited Rules, the records of this appeal, and any attached affidavit or stipulation of the undersigned, which items are hereby incorporated in this Motion.

WHEREFORE, the Appellant herein moves this Court to be allowed to amend the Record on Appeal and for an extension of time to file the Record on Appeal, as set out above, pursuant to Rule 240 and 263(b), S.C.A.C.R.

/s/ John Martin Foster  
Post Office Box 106  
Rock Hill, S. C. 29731  
803 324-8100  
Attorney for Appellant  
jmfoster340@gmail.com

November 1, 2024

Rock Hill, South Carolina

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PROOF OF SERVICE

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I certify that I have served the Motion to Amend the Record on Appeal and for Extension of Time to file the Record on Appeal, on the following counsel or persons of record:

Charles Baxter Burnette, IV  
Burnette & Payne, P.A.  
Attorneys for Respondent  
Rock Hill, S.C. 29730  
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by service to the opposing lawyer's primary e-mail address listed in the Attorney Information System (AIS), as authorized by Section (b)(2) of the Order of the Supreme Court dealing with

Electronic Filing and Service issued May 6, 2022.

/s/ John Martin Foster  
Post Office Box 106  
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803 324-8100  
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November 1, 2024

Rock Hill, South Carolina