

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BERKELEY COUNTY
Court of Common Pleas

Hon. Dale Van Slambrook, Master in Equity

Case No.: 2023-CP-0801531
Appellate Case No.: 2024-000867

Michael L. Woods,

Appellant

vs.

Wyman Jean Woods, Jr., Trustee of the Wyman and
Marguerite Woods Family Trust utd 01/16/98,

Respondent

**MOTION FOR PERMISSION TO SERVE
RECORD ON APPEAL OUTSIDE OF TIME**

I, the undersigned counsel for the Appellant, Michael L. Woods, pursuant to Rule 240, SCACR, hereby move for permission to serve the Record on Appeal and file Proof of Service of the same outside of the filing deadlines set by Rule 210, the same being served upon Counsel of Record simultaneously herewith. The basis of Counsel's Motion rests in the reliance of Counsel's Office upon the information and directives contained in the letter dated September 24, 2024 sent from the Clerk of Court to Respondent advising that the date for filing Respondent's Initial Brief and Designation of Matter had expired, and that the same was due within ten days from the date of said letter, together with a Motion for permission to serve and file Respondent's Initial Brief and Designation of Matter out of time. (Exhibit 1). Respondent filed and served Respondent's Initial Brief and Designation of Matter on September 30, 2024, but no Motion for permission to file out of time accompanied the filing, and no Order was issued accepting the Respondent's Initial Brief and Designation of Matter out of time or setting the anticipated new deadline for serving the Record on Appeal.

However, upon receipt of the Court's letter to Appellant's Counsel dated November 21, 2024 indicating Proof of Service of the Record on Appeal was past due, undersigned's office inquired of the Court and was informed that the September 24, 2024 letter to Respondent's Counsel

and its directives for a Motion for permission to file out of time was erroneous, and that the Order entered August 30, 2024 directing Respondent to serve and file its Initial Brief and Designation within 30 days of the August 30, 2024 Order was instead the actual controlling date and that no such Motion or subsequent Order would be necessary from Respondent as otherwise indicated by the September 24 letter. Accordingly, and as directed, the Record on Appeal is contemporaneously served herewith upon Respondent by and through its attorney of record, this Motion is filed as requested, and filing deadlines for final briefing hereby updated upon the calendar for Appellant's counsel.

Respectfully submitted,

/s/ Andrew T. Shepherd
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Attorney for Appellant

December 2, 2024



The South Carolina Court of Appeals

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CLERK

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September 24, 2024

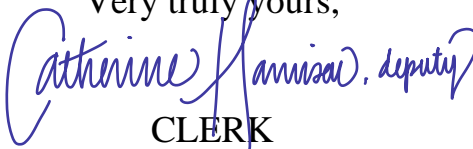
Mr. John Samuel West, Esquire
207 Carolina Avenue
PO Box 1869
Moncks Corner SC 29461

Re: Michael L. Woods v. Wyman Jean Woods, Jr.
Appellate Case No. 2024-000867

Dear Counsel:

Our records reflect that the time for serving and filing the respondent's initial brief and designation of matter has expired as of September 18, 2024. Within ten (10) days of the date of this letter, you must serve and file the respondent's initial brief and designation of matter, along with a motion requesting permission to serve and file the respondent's initial brief and designation of matter outside of the filing deadlines set by Rules 208 and 209 of the SCACR. Your respondent's initial brief and designation must be filed within ten (10) days of the date of this letter or your respondent's initial brief and designation of matter will not be considered and the timeline for final briefing will be set.

Very truly yours,


CLERK

cc: Andrew T. Shepherd, Esquire

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PROOF OF SERVICE

I, the undersigned counsel for the Appellant, certify that I have served the Record on Appeal, and the Appellant’s Motion to Serve Record on Appeal Out of Time and to File Proof of Service, on the Respondent, Wyman Jean Woods, Jr., Trustee of the Wyman and Marguerite Woods Family Trust utd 01/16/98, via e-mail, on December 2, 2024, addressed to his attorney of record, John S. West, Esquire, at jwestlaw@homesc.com.

December 2, 2024

/s/ Andrew T. Shepherd
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