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Mar 10 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas
Charles B. Simmons, Jr., Master-in-Equity
Civil Action No. 2023-CP-23-05810

Appellant Case No: 2025-000193

Oriole Properties, LLC., Respondent,

In re:

Castlebrook Homeowner’s Association, Inc LLC,.....,Respondent,

v.

Ardie C. Gary and Primar Residential Mortgage, Inc , Appellant.

MOTION FOR PERMISSION TO ORDER TRANSCRIPT OUT OF TIME

COMES NOW, Ardie C. Gary ("Appellant"), by and through and by herself, respectfully moves this Honorable Court for permission to order the transcript outside the timeframe required by Rule 207 of the South Carolina Appellate Court Rules (SCACR). In support of this Motion, Appellant states as follows:

1. Appellant filed a timely notice of appeal in the above-referenced matter. However, due to a misunderstanding regarding the procedural posture of the case, Appellant inadvertently failed to order the transcript within the required timeframe. Specifically, Appellant believed that

the case had been remanded back to the trial court for further proceedings, and therefore, the deadline for ordering the transcript was not immediately applicable.

2. Appellant deeply regrets this misunderstanding and sincerely apologizes to the Court for any inconvenience caused. Appellant did not intend to disregard the judicial process or the rules governing appellate procedure. Appellant acted in good faith and with clean hands, believing that the case was still pending at the trial court level.

3. Appellant respectfully requests that this Honorable Court grant permission to order the transcript outside the timeframe required by Rule 207 of the SCACR. Appellant assures the Court that this request is made in good faith and with the utmost respect for the judicial process.

4. Appellant believes that granting this Motion will not prejudice the opposing party, as the delay in ordering the transcript was due to an honest misunderstanding and not an attempt to delay or obstruct the appellate process.

5. Appellant has already taken steps to contact the court reporter to order the transcript and will promptly provide proof of such order to the Court, the Office of Court Administration, and opposing counsel upon receipt.

WHEREFORE, Appellant respectfully requests that this Honorable Court grant this Motion and permit Appellant to order the transcript outside the timeframe required by Rule 207 of the SCACR. Appellant further requests any other relief that the Court deems just and proper.

Respectfully submitted,

s/ Aardie C. Gary
Aardie C. Gary
323 Skipton Street
Greenville, SC 29605

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v.

Ardie C. Gary and Primar Residential Mortgage, Inc , Appellant.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Permission to Order Transcript Out of Time has been served upon the following parties via email and first-class mail, postage prepaid, this 9th day of March, 2025:

505 W. Butler Road
Greenville, SC 29607
Attorney for Respondent
Castlebrook Homeowner’s Association, Inc.

Womble Bond Dickinson
Attn: Jason D. Wyman
550 S. Main Street, Suite 400
Greenville, SC 29601
Attorney for Respondent Oriole Properties, LLC

Ardie C. Gary
Ardie C. Gary
323 Skipton Street
Greenville, SC 29605
Appellant

SOUTH CAROLINA OFFICE OF COURT ADMINISTRATION
1220 Senate Street, Suite 200
Columbia, SC 29201

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CERTIFICATE OF COMPLIANCE

I hereby certify that this Motion complies with the rules of the South Carolina Court of Appeals, including Rule 207 of the SCACR, and that it has been prepared in accordance with the Court’s formatting requirements.

Ardie C. Gary

Ardie C. Gary
323 Skipton Street
Greenville, SC 29605
Appellant

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SC Court of Appeals

March 9, 2025

Ardie C. Gary
323 Skipton Street
Greenville, SC 29605
Appellant

The Honorable Jenny Abbott Kitching
1220 Senate St
Columbia SC 29201

Re: Ardie C. Gary v. Castlerbrook Homeowner's Association Inc
Appellate Case No. 2025-000193

Dear Clerk, Kitching:

Please find a copy of my motion requesting permission to order the transcript outside of the filing deadline set by rule 207 of the SCACR, along with my request to the Court Reporter.

I would respectfully request that my seeking permission to order the transcript outside of the deadline, would be filed with the Court.

I have provided copies of the motion and request to the court reporter, to Opposing counsel and to the South Carolina Office of Court Administration.

Furthermore, I will mail to your office the required filing fee of \$ 50.00.

Respectfully submitted,

Ardie C. Gary , Appellant

Cc: Lyon Bixler
Jason Wyman
South Carolina Office of Court Administration