

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

Charles B. Simmons, Jr., Master-in-Equity

69968

C.A. NO. 2010-CP-23-4786

Tony Ray Green and Frances K. Pittman,

Appellants,

vs.

Samuel D. Humphries and Veronica L. Humphries,

Respondents.

MOTION FOR EXTENSION OF TIME

COME NOW THE APPELLANTS ABOVE NAMED, by and through their undersigned attorney, and move this Honorable Court to extend the time to supplement the Record on Appeal as set forth in the letter dated September 16, 2013, from The Honorable V. Claire Allen.

The grounds for the motion are as follows: By letter dated September 16, 2013, The Honorable V. Claire Allen, on behalf of the Court, requested that the Appellants supplement the record on appeal to include the complete trial transcript and the exhibits released by the Greenville County Clerk of Court. As set forth in the Affidavit of M. Kyle Thompson, that letter was received in the office of appellants' counsel but was not presented to counsel to respond. Furthermore, a staff member maintained possession of the letter and failed to take any action. Counsel only became aware of the letter on September 27, 2013, after the date to respond had passed.

Counsel has not consulted with counsel for the Respondents in regard to this motion.

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OCT 03 2013

SC Court of Appeals

10-8-13
12-01

Respectfully submitted,

CLAWSON AND STAUBES, LLC

A handwritten signature in black ink, appearing to read 'M. Kyle Thompson', written over a horizontal line.

M. Kyle Thompson
SC Bar No. 68283
223 West Stone Ave., Suite 100
Greenville, SC 29609
(864) 331-8940
Attorneys for the Appellants

September 27, 2013
Greenville, South Carolina

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
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Charles B. Simmons, Jr., Master-in-Equity

C.A. NO. 2010-CP-23-4786

Tony Ray Green and Frances K. Pittman,

Appellants,

vs.

Samuel D. Humphries and Veronica L. Humphries,

Respondents.

AFFDAVIT OF M. KYLE THOMPSON

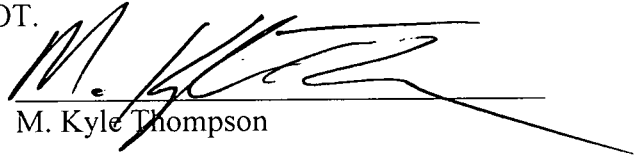
PERSONALLY APPEARED BEFORE ME, M. Kyle Thompson, who after
being duly sworn, deposes and states as follows:

1. My name is M. Kyle Thompson. I am over the age of 21 and this affidavit represents my personal knowledge of the facts set forth herein.
2. I am an attorney employed with Clawson and Staubes, LLC, in Greenville, South Carolina.
3. On September 27, 2013, I discovered a letter addressed to me from The Honorable V. Claire Allen on the desk of a staff member.
4. The letter, dated September 16, 2013, instructed me to supplement the record on appeal in this matter with the complete trial transcript and original exhibits released from the Greenville County Clerk of Court.
5. The letter stated that the supplemental Record on Appeal was to be filed within ten (10) days, which would have been September 26, 2013.

6. As a result of the staff member failing to bring the letter to my attention or otherwise notifying me of the deadline to respond to the Court, I did not file the supplemental Record on Appeal as instructed.

7. Upon discovering the letter, I immediately telephoned the Court of Appeals and was instructed to file a Motion for an Extension of Time.

FURTHER AFFIANT SAYETH NOT.



M. Kyle Thompson

Sworn to before me
this 27th day of September, 2013

Jemesa D. Kurzian
Notary Public for SC
My Commission Expires: 11-2-19

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Court of Common Pleas

The Honorable Charles B. Simmons, Jr., Master in Equity

C.A. NO. 2010-CP-23-4786

Tony Ray Green and Frances K. Pittman Appellants,

vs.

Samuel D. Humphries and Veronica L. Humphries Respondents.

PROOF OF SERVICE

I certify that I have served Appellants' Motion for Extension of Time and Affidavit of M. Kyle Thompson on Samuel D. Humphries and Veronica L. Humphries by depositing a copy of each in the United States Mail, postage prepaid, on October 1, 2013, addressed to their attorney of record, John Heckman, 409 Pettigru Street, Greenville, SC 29601.

October 1, 2013



Paralegal to M. Kyle Thompson, SC Bar No. 68283
CLAWSON & STAUBES, LLC
Attorney for Appellants
223 W. Stone Avenue
Greenville, South Carolina 29609
864-331-8940/FAX 864-232-2921
E-mail: kthompson@clawsonandstaubes.com

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SC Court of Appeals

**CLAWSON
AND STAUBES**
LLC

M. Kyle Thompson
kthompson@clawsonandstaubes.com

September 30, 2013

File No.: 1166.001

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

**Re: Tony Ray Green and Frances K. Pittman v. Samuel D. Humphries and
Veronica L. Humphries
C.A. No.: 2010-CP-23-4786
Appellate Case No.: 2012-212537**

Dear Ms. Kitchings:

Please find enclosed the original and six (6) copies of **Appellants' Motion for Extension of Time**, the original and six (6) copies of **Affidavit of M. Kyle Thompson** along with the accompanying Certificate of Service in the above-referenced matter:

Furthermore, please be advised that by copy of this letter, I am serving same upon Respondents by way of their attorney, John Heckman, Esquire.

Thank you for your assistance with this matter.

With kind regards,

Sincerely,



M. Kyle Thompson
Clawson and Staubes, LLC

/agi

Enclosures

cc: John Heckman (w/encl.)
Tony Green (w/out encl.)

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OCT 03 2013

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