

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM FLORENCE COUNTY
Court of Common Pleas

R. Knox McMahon, Circuit Court Judge

Appellate Case No. 2013-001622

Derick Ward,

Appellant,

v.

Margaret H. Ashbaugh,

Respondent.

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OCT 23 2013
SC Court of Appeals

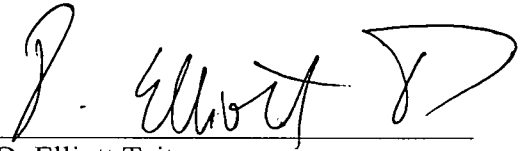
MOTION FOR CLARIFICATION OR EXTENTION OF TIME

COMES NOW, Appellant's attorney, and requests an order clarifying the date of receipt of the transcript for purposes of Rule 208(a)(1), or, in the alternative, an extension of time to file Appellant's initial Brief, based upon the following:

- (1) The Court Reporter's records indicate she mailed a copy of the transcript to Appellant's attorney on September 21, 2013; however, Appellant's attorney did not receive the transcript.
- (2) Appellant's attorney then sent a letter to the Clerk, Court Administration, Respondent's attorney and the Court Reporter, informing them that he had not received the transcript.
- (3) The Court Reporter then submitted another copy of the transcript to Appellant's attorney on October 17, 2013, which was received by Appellant's attorney on October 21, 2013.

- (4) Appellant, therefore, requests that this Court issue an order stating that the date of receipt of the transcript by the Appellant was October 21, 2013 for purposes of Rule 208(a)(1).
- (5) In the alternative, the Appellant requests a thirty (30) day extension, and believes that it would cause no harm or prejudice to any party if a thirty (30) day extension would be granted.

I SO MOVE.

A handwritten signature in cursive script, appearing to read "D. Elliott Tait", written over a horizontal line.

D. Elliott Tait
South Carolina Legal Services
S.C. Bar # 100772
320 South Coit St.
Florence, SC 29501
843-413-9500
elliotttait@sclegal.org

October 22, 2013

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CERTIFICATE OF MAILING

I, D. Elliott Tait, do hereby certify that I have this date served one (1) copy of the Motion for Clarification or Extension of Time upon the Respondent through her counsel by causing said copy to be deposited with the US Postal Service, first class postage prepaid, properly affixed hereto and addressed as follows:

Karl A. Folkens
PO Box 6139
Florence, SC 29502



D. Elliott Tait
Attorney for Petitioner
320 South Coit Street
Florence, South Carolina 29501
(843) 413-9500 (843) 413-1013 (fax)

Signed in Florence, South Carolina
Oct. 22, 2013



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October 22, 2013

Jenny Abbott Kitchings
Clerk of Court
1015 Sumter Street
Columbia, South Carolina 29201

Re: Ashbaugh v. Ward
Case No. 2013-CP-21-00927

Dear Ms. Kitchings:

I hope this letter finds you well. Attached please find the original and seven (7) copies of my Motion for Clarification or Extension of Time. Please file the original and six copies, and return the seventh copy to me in the envelope provided. Also, please find the original and one (1) copy of the Certificate of Service for the Motion. Please file the original and return the copy to me. Finally, please find the \$25 motion fee.

Very truly yours,

D. Elliott Tait
Staff Attorney

Enclosures

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