

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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Aug 15 2025

APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

SC Court of Appeals

Shannon M. Phillips, Master-in-Equity

Appellate Case No. 2022-000393

U.S. Bank Trust, N.A. as Trustee for LSF10 Master Participation Trust,.....Respondent,

v.

Austin A. Lowery a/k/a Austin Lowery a/k/a Austin Allen Lowery a/k/a Allen Lowery, individually, and as Heir or Devisee of the Estate of Lisa D. Lowery a/k/a Lisa Marie Davis Lowery, Deceased; South Carolina Department of Revenue; The United States of America acting by and through its agency, Department of the Treasury - Internal Revenue Service; and Elizabeth A. Lowery,.....Defendants,

Of whom Austin A. Lowery a/k/a Austin Lowery a/k/a Austin Allen Lowery a/k/a Allen Lowery, individually, and as Heir or Devisee of the Estate of Lisa D. Lowery a/k/a Lisa Marie Davis Lowery, Deceased, is the.....Appellant.

MOTION OUT OF TIME TO EXTEND DEADLINE
TO SERVE AND FILE FINAL BRIEFS AND TO FILE RECORD ON APPEAL

Appellant hereby moves pursuant to Rule 263(b), SCACR, for an extension out of time of the deadline to serve and file the final briefs and to file the record on appeal in this case.

In 2023, the court gave a deadline by which the final briefs and record on appeal should be filed out time, along with a motion to extend the deadlines for them. The final briefs and record on appeal were served and filed by that deadline. In reviewing

filings recently, the undersigned counsel saw that his file contains a drafted extension motion dated with the same date the final briefs were filed, but the undersigned has not been able to tell whether the motion was ever sent for filing. It is not in the filings shown on C-Track.

Although the undersigned memory fails on this point, it appears the motion was omitted inadvertently from the filings that were submitted.

Accordingly, the undersigned submits this motion, which seeks for the final briefs and record on appeal filed in July of 2023 to be approved. No prejudice has resulted or will result from the late service and filing of those documents. Opposing counsel has had them for years now. There is good cause to grant the extension sought.

WHEREFORE Appellant prays for an order extending the time in which to serve and file the final briefs and to file the record on appeal, so that the record on appeal and final briefs that were filed in July of 2023 shall be deemed timely served and filed.

Respectfully submitted,

/s/ Andrew S. Radeker
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August 15, 2025