

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM THE MASTER IN EQUITY
CHARLESTON COUNTY
NINTH JUDICIAL CIRCUIT

Mikell Scarborough, Judge

Case No. 2013-002065

Frank Cook & Judith Cook

Bank of America, N.A.,

v.

Appellants,

Respondent.

MOTION TO
FILE APPELLANT BRIEF
OUT OF TIME

NOW COMES undersigned counsel and moves this Honorable Court for an Order granting reinstatement of the above-captioned appeal. The ground for reinstatement include, to

1. Appellants sent correspondence to clerk enclosing previous requests for transcript.
2. Appellants received no response or case number informing them that appeal was accepted by the court and was proceeding.
3. Counsel for Appellants contacted the clerk by telephone to learn that case number assignment was never sent out in error and that initial brief was due on October 9, 2013.
4. Appellants were unable to file an initial brief without confirmation of a case number and that appeal was opened.
5. Appellant believes there is good cause to reinstate the foregoing appeal in light of the aforementioned items and points.
6. Otherwise, Appellant is informed and believes great prejudice would obtain by not reinstating the appeal having already paid for and received a copy of the transcript.

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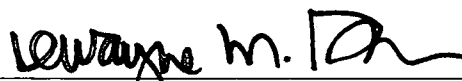
OCT 21 2013

SC Court of Appeals

7. Appellant is informed and believes no prejudice will obtain as against Respondent whose counsel was otherwise informed of the transcript and with notice also provided to SC Court Administration.

WHEREFORE, Appellant prays this Honorable Court will grant the relief requested herein and such other relief as may be appropriate.

HAMPTON GREEN, LLC



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Counsel of Record:
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Columbia, SC 29211-2369

Charleston, South Carolina
18th day of October, 2013

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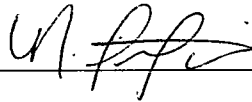
Bank of America, N.A.,

Respondent.

PROOF OF SERVICE

I, Nicole Intoci, legal assistant at Hampton Green, LLC, certify that I have mailed the Motion to File Appellant Brief Out of Time by depositing a copy of it in the United States Mail, postage prepaid, on October 18, 2013, to H. Guyton Murrell, Korn Law Firm, 1300 Pickens Street, Charleston, SC 29211-2369.

October 18, 2013



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October 18, 2013

V. Claire Allen, Deputy Clerk
S.C. Court of Appeals
c/o Court Administration
1015 Sumter Street, Suite 200
Columbia, SC 20201

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SC Court of Appeals

RE: *Frank Cook & Judith Cook v. Bank of America, N.A.*
Appellate Case No.: 2013-002065
Hampton Green File No. 351

Dear Ms. Allen:

Enclosed please find the original and one (1) copy of our Motion to File Appellant Brief Out of Time; Certificate of Service and a \$25.00 check for the filing fee in the above referenced matter. If you would, please return a filed stamped copy to my office in the enclosed self-addressed stamped envelope I have enclosed for your convenience.

Thank you for your assistance and please let me know if there is anything else needed.

With kind regards, I remain

Yours very truly,
HAMPTON GREEN, LLC


Dwayne M. Green

DMG/nei
Enclosure

cc: H. Guyton Murrell, Esquire