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Apr 27 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

The Honorable Charles J. McCutchen

Appellate Case No. 2025-000705

James S. Patton,

Appellant,

v.

Kera R. Selzer and Dustin S. Selzer,

Respondent.

MOTION TO FILE ROA OUT OF TIME

This matter is before the Court on the undersigned Counsel's Motion to File Out of Time the Record on Appeal in the above-caption case.

On December 2, 2025, Appellant filed the Initial Brief of Appellant. Respondent filed a Motion to Dismiss on March 2, 2026, and its Initial Brief of Respondent on March 4, 2025.

On March 12, 2026, Appellant filed a Return and an Initial Reply Brief on March 17, 2026. Respondent filed a Reply to Appellant's Amended Return to Respondent's Motion to Dismiss on March 23, 2026.

On April 7, 2026, this Court denied the Motion to Dismiss and ordered Appellant to file the proof of service of the Record on Appeal within ten (10) days of the date of the order. The Record on Appeal was inadvertently calendared for thirty (30) days after the date of the order filed on April 7, 2026.

I respectfully request this Court to relax the requirements of Rule 210 of the South Carolina Appellate Court Rules and permit the filing of the Record on Appeal out of time. As requested, the Record on Appeal is being filed contemporaneously with this motion.

THEREFORE, Appellant respectfully requests this Court permits the filing of the Record on Appeal in this case.

Respectfully Submitted,

s/ Dayne C. Phillips
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ATTORNEY FOR APPELLANT

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CERTIFICATE OF SERVICE

The undersigned Counsel certifies that a true copy of the Motion to File Out of Time has been served upon **J. Creighton Hayes, Esquire**, via email and by United States Mail, postage prepaid, at 200 Oakland Ave., Ste. B, Rock Hill, SC 29731, on **April 27, 2026**.

s/ Dayne C. Phillips

Dayne Phillips
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(803) 807-0234
Attorney for Appellant

SUBSCRIBED AND SWORN TO before me
this 27th day of April, 2026.

 (L.S.)

Notary Public for South Carolina

My Commission Expires: May 2, 2027.