

RECEIVED

Apr 23 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS
Appellate Case No. 2024-001929

George Jenkins, Barry Heyward, Ulyssess Heyward, Florine Heyward Pickney, and Eric Ramsey claimants, of whom George Jenkins is the Appellant

George S. Jenkins

v.

Florence Heyward Davis

Respondent,

APPELLANT'S RESPONSE IN OPPOSITION TO RESPONDENT'S MOTION TO
DISMISS

George S. Jenkins, appearing *pro se*, respectfully moves this Court, pursuant to Rule 263 of the South Carolina Appellate Court Rules (SCACR), for an extension of time to file his reply brief in response to Respondent's Reply in Support of Respondent's Motion to Dismiss. Appellant also opposes Respondent's Motion to Dismiss and requests that the Motion to Dismiss be denied.

I. Relevant Facts and Timeline

The delay in responding was not deliberate. It occurred because Appellant was out of state due to a family medical emergency and did not receive the Court's letter until after returning to South Carolina.

- February 9, 2026: Appellant was in Atlanta, Georgia, addressing a medical emergency involving his sister, Florine Heyward Pickney. Appellant was not in South Carolina when the Court's letter was sent/received at his home.
- February 18, 2026: Appellant returned to Charleston, reviewed the Court's letter, and promptly contacted the appellate court and filed for an extension/out-of-time relief.
- February 19 2026 appellant file the motion for extension of time.
-
- April 29, 2026: Appellant must return to Atlanta for a scheduled doctor appointment and related family arrangements concerning his sister's care.

In support, Appellant previously submitted medical documentation (doctor/hospital records) and a police report reflecting the dates and circumstances of the emergency and confirming that Appellant was out of state when the Court's correspondence arrived.

II. Argument

A. Appellant has shown good cause and excusable neglect for additional time (Rule 263, SCACR).

Respondent argues there is “no excusable neglect.” That is incorrect. Appellant was out of town when the Court’s letter arrived and was addressing an unforeseen medical emergency involving an immediate family member. This was not a mere inconvenience or a competing obligation within Appellant’s control; it was an emergency requiring Appellant’s presence in Atlanta to assist with care and related arrangements. The documentation submitted with Appellant’s prior filing reflects the dates of the emergency and Appellant’s out-of-state location. Once Appellant returned to Charleston on April 19, 2026 and learned of the Court’s letter, he acted promptly and filed for extension/out-of-time relief without delay.

To the extent Respondent relies on *Harris v. State*, 382 S.C. 107, 674 S.E.2d 532 (2009), Appellant submits that the circumstances here are materially different because the delay resulted from an out-of-state medical emergency and prompt action upon learning of the deadline.

B. Respondent’s claim of a “pattern of delay” (Rules 210 and 260, SCACR) does not justify dismissal.

Respondent contends that Appellant has not complied with Rules 210 and 260, SCACR, and references a motion to serve/file out of time “on or about February 20, 2026.” Appellant submits that the Court has not yet ruled on the motion to serve/file out of time, and Appellant has acted in good faith while awaiting the Court’s direction. Further, Respondent’s “on or about” characterization is inconsistent with the file-stamp/acceptance date reflected in Appellant’s records (February 19), making that point moot.

C. Appellant’s discussion of the underlying issues is not an improper merits argument for purposes of this motion.

Respondent argues that Appellant raises an “improper merit argument.” Appellant references the underlying issues because they provide context for why this appeal matters and because the issues involve allegations of fraud and related rulings in the lower courts. As Appellant understands the procedural posture, certain property issues after death were addressed in probate proceedings, while other transfers that occurred during the decedent’s lifetime are before the COURT OF COMMON PLEA court and are now part of this appeal. Appellant submits that the record reflects substantial disputes and circumstantial evidence such that summary judgment was improper and the matter should be heard by a jury.

The circuit court erred in granting summary judgment because genuine issue of material facts existed. Summary judgment should be denied when the record reveals dispute of material fact, *Baughman*, 306 S.C. at 109 And 109.

him III. Conclusion

For the reasons stated above, Appellant respectfully requests that this Court (1) deny Respondent's Motion to Dismiss, and (2) grant Appellant an extension of time and/or permit Appellant to file his final brief out of time pursuant to Rule 263, SCACR, based on the documented out-of-state family medical emergency and Appellant's prompt action upon learning of the deadline.

George S. Jenkins, pro se

George S. Jenkins, pro se

1348 S. Sherwood Dr.

Charleston, SC 29407

phone number: 843-8130640

email: gjen11748@aol.com

April 23 2026