

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM ANDERSON COUNTY  
COURT OF COMMON PLEAS

R. Lawton McIntosh, Circuit Court Judge

Case No.: 2013-CP-04-00471

RECEIVED

DEC 19 2013

SC Court of Appeals

170725

In the Matter of William Harold Mitchell

Freddie R. Mitchell ..... Respondent,

vs.

Helen Mitchell and William Terry Mitchell,

Of whom Helen Mitchell is the Appellant and William Terry Mitchell is the Respondent

PETITION FOR AN EXTENSION OF TIME OR STAY TO FILE  
DESIGNATION OF MATTER AND INITIAL BRIEF

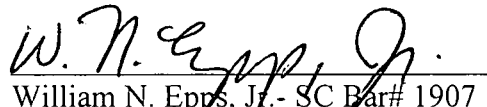
The undersigned does hereby Petition this Court for an Extension of Time or Stay to file the Designation of Matter and Appellant's initial brief in accordance with Rule 208, SCACR on the basis that there is another Order that is to be appealed to this Court that is forthcoming and that the two appeals should be consolidated as they arise out of the same facts, are the exact same parties and are so intertwined that it would be more efficient to consolidate the two appeals. This Motion is based on the following procedural and factual grounds:

1. That this appeal is of a Circuit Court Order issued July 2, 2013 upholding a Probate Court Order in 2012-GC-04-99 and 100.
2. The July 2, 2013 Circuit Court Order also required that one issue be remanded back to Probate Court for a hearing. An Order from this hearing was issued by the Probate Court on June 18, 2013. This Probate Court Order was also appealed to the Circuit Court in C. A. No. 2013-CP-04-01737 and arguments were held on October 10, 2013 (second appeal).
3. The Circuit Court has issued its Order from the 'second appeal' on December 12,

2013. A Motion to Reconsider this Order has been filed by the Appellant on December 16, 2013. The undersigned does not know when this Motion will be considered, but the Appellant intends on filing an Appeal of this matter in the event that the Circuit Court does not modify its Order.

4. That the Appellant hereby asks for an extension of time or stay for the Designation of Matters and the Initial Brief in this appeal so that the second Order may be appealed and, ultimately, consolidated with this appeal as the facts are identical, the parties are identical and the issues so intertwined that it would be inefficient to have two separate appeals.
5. That the Appellant has not asked for any prior extensions of time. Further, that the counsel for the Respondent does hereby consent to the requested extension.

Respectfully submitted,

  
\_\_\_\_\_  
William N. Epps, Jr. - SC Bar# 1907  
Samantha Nelson Murphy, SC Bar#14563  
Post Office Box 2167  
Anderson, South Carolina 29622  
(864) 224-2111  
Attorney for Appellant

December 16, 2013

Other Counsel of Record:

William E. Phillips  
Attorney at Law  
Post Office Box 4210  
Anderson, South Carolina 29622  
Attorney for Respondent  
(864) 231-7333

William Terry Mitchell  
402 Arcadia Drive  
Anderson, South Carolina 29621

Sarah G. Drawdy  
Attorney at Law  
2315 N. Main Street, Ste. 117  
Anderson, South Carolina 29621

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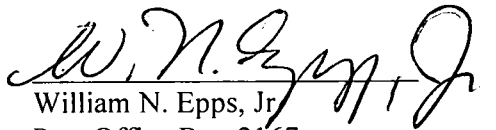
Helen Mitchell and William Terry Mitchell,

Of whom Helen Mitchell is the Appellant and William Terry Mitchell is the Respondent

PROOF OF SERVICE

I certify that I have served the Petition for an Extension of Time or Stay to File Designation of Matter and Initial Brief on Freddie R. Mitchell, by depositing a copy of it in the United States Mail, with postage prepaid, on December 16, 2013 addressed to his attorney of record William E. Phillips, Post Office Box 4210, Anderson, South Carolina 29622, William Terry Mitchell, the Respondent, 402 Arcadia Drive, Anderson, South Carolina 29621 and Sarah G. Drawdy, Esq., Guardian ad Litem at Law, 2315 N. Main Street, Ste. 117, Anderson, South Carolina.

December 16, 2013



William N. Epps, Jr.  
Post Office Box 2167  
Anderson, South Carolina 29622  
(864) 224-2111  
ATTORNEY FOR APPELLANT

ATTORNEYS AND COUNSELORS AT LAW

PO Box 2167  
230 WEST WHITNER STREET  
ANDERSON, SOUTH CAROLINA 29622

December 16, 2013

WILLIAM N. EPPS, JR.  
SAMANTHA P. NELSON\*  
WILLIAM N. EPPS, III  
\*Also Admitted in GeorgiaThe Hon. Jenny A. Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: In the Matter of William Harold Mitchell  
Freddie R. Mitchell, Respondent vs Helen Mitchell and William Terry Mitchell, of  
Whom Helen Mitchell is the Appellant and William Terry Mitchell is the  
Respondent.  
Case Nos: 2012-GC-04-99 & 100  
Case No.:2013-CP-04-00471  
Our File No.: M13-2428

Dear Clerk Kitchings:

Please find enclosed my Petition for an Extension of Time to file my Designation of Matter and Initial Brief in the above referenced matter. The bases for this request as mentioned in my Petition is that the two appeals arise out of the same Probate matter, will have the same facts and almost identical records on appeal.

Also enclosed, are the following:

1. Original and six (6) copies of the Petition for an Extension of Time to file Designation of Matter and Initial Brief;
2. Original and three (3) copies of the Proof of Service of the Petition; and
3. A filing fee of \$25.00;

Please return the filed copies.

With kind regards,

Sincerely yours,

EPPS, NELSON &amp; EPPS



W. N. Epps, Jr.

WNE:jr(11)

cc: William E. Phillips, Esq. Attorney for Respondent (w/ Encl.)  
William Terry Mitchell (w/ Encl.)  
Sarah G. Drawdy, Esq. (w/ Encl.)**RECEIVED**  
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