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HOWARD HAMMER
1608 Catawba Street
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January 6, 2014

(VIA FACSIMILE AND U.S. MAIL)

The Honorable Daniel E. Shearouse
Clerk of Court
Supreme Court of South Carolina
1231 Gervais Street
Columbia, South Carolina 29201

RECEIVED

JAN - 7 2014

S.C. Supreme Court

Re: Hammer v. Hammer, Case No.2009-CP-40-05911
Appellate Tracking No. 2013-001635

1634 Main, L.P. v. Shirley Hammer a/k/a Shirley Grace Hightower v. Howard Hammer
Appellate Tracking No. 2013-001634

Dear Mr. Shearouse:

Enclosed please find the original plus six (6) copy for filing of the following: **Motion from all Appellants in the above referenced cases for Extension of Time to file Record on Appeal; Affidavit; and, Proof of Service.** An additional copy is enclosed, which we request that you clock and return it to me in the enclosed envelope. Also enclosed is a check in the amount of \$25.00 for the filing fee.

Please note that the Motion includes a signature line for Art Aiken, attorney for Appellant Howard Hammer in the Case Number 2009-CP-40-05911. Although Mr. Aiken had indicated to us earlier that he wanted to join in the Motion, we were unable to reach him this afternoon to get his signature. We are informed and believe that he will submit a signature page reflecting this tomorrow.

Thank you for your assistance with this matter.

Very truly yours,


Howard Hammer

Enclosure

cc: The Honorable Daniel E. Shearouse (via fax)
Susan Batten Lipscomb, Esquire
Arthur K. Aiken, Esquire
Desa Ballard, Esquire

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THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

S.C. Supreme Court

Judge George James, Jr., Circuit Court Judge
James F. Barber, Supervising Circuit Court Judge

Formerly Pending before the South Carolina Court of Appeals
Howard Hammer Appellant

v.

Shirley Hammer.....Respondent

Case No. 2009-CP-40-05911
Appellate No. 2013-001652

1634 Main, L.P.Plaintiff/ Appellant

v.

Shirley Hammer a/k/a Shirley Grace HightowerDefendant and Third Party
Plaintiff/Respondent

v.

Howard Hammer.....Appellant/Additional
Defendant on Counterclaim/Appellant

Case No. 2010-CP-40-2889
Appellate No. 2013-001634

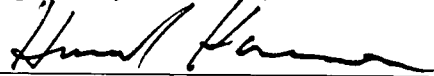
MOTION BY ALL APPELLANTS FOR EXTENSION OF TIME
TO FILE RECORD ON APPEAL

Pursuant to Rule 240, SCRAP, Appellants, without waiving and specifically reserving all rights to be separately heard in connection with the separate cases above listed, move for an extension of time of five (5) days in which to file Record on Appeal in the above matters.

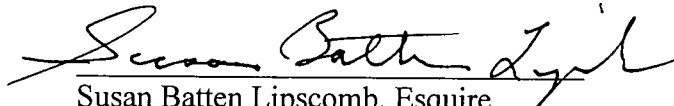
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The bases for this Motion are that the two cases resulted in three separate appeals with a voluminous transcript consisting of over 1,200 pages. The time for filing the Record on Appeal was initially reduced by Order of this Court from the thirty (30) days from the service of the Initial Reply Brief as provided in Rule 210, SCRAP, to fifteen (15) days. The Initial Reply Brief, the last brief, was served on December 23, 2013, causing the fifteen (15) day period for filing to be reduced by at least an additional two official holidays, i.e. Christmas Day, December 25, 2013, and New Year's Day, January 1, 2014, with the timeframe occurring during a general holiday period, all of which results in a hardship in filing the Record on Appeal.¹ This Motion is further supported by an Affidavit submitted herewith.

Respectfully submitted,



Howard Hammer
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Pro Se for Additional Defendant Hammer on Counterclaim



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Email: SBL@LipscombLawFirmSC.com
Attorneys for Appellant 1634 Main, L.P.



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Email: art@aikenandhightower.com
Attorney for Howard Hammer

January 6, 2014
Columbia, South Carolina

¹ On information and belief the material that would be included in a Memorandum in Support of a Motion is encompassed in the Motion and supporting Affidavit; accordingly, no separate memorandum is required.

THE STATE OF SOUTH CAROLINA
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Shirley Hammer.....Respondent

Case No. 2009-CP-40-05911
Appellate No. 2013-001652

1634 Main, L.P.Plaintiff/ Appellant

v.

Shirley Hammer a/k/a Shirley Grace HightowerDefendant and Third Party
Plaintiff/Respondent

v.

Howard Hammer.....Appellant/Additional
Defendant on Counterclaim/Appellant

Case No. 2010-CP-40-2889
Appellate No. 2013-001634

AFFIDAVIT

PERSONALLY APPEARED before me, Howard Hammer, who being duly sworn
deposes and says:

1. I am over the age of eighteen, am competent to make this affidavit and have personal knowledge of the contents contained herein.

2. The captioned cases were tried separately and distinctly resulting however in one transcript of proceedings along with separate documents for each case some of which are submitted in evidence in both cases.
3. The two cases gave rise to three separate appeals as a result of my being named as an Additional Defendant on Counterclaim in the 1634 Main, L.P. case (Appellate No. 2013-001634/Case No. 2010-CP-40-02889).
4. The Court reduced the time to file a Record on Appeal from thirty (30) days after the filing of the last initial brief, the Initial Reply Brief in this case, to fifteen (15) days. The Appellants filed last brief their Initial Reply Briefs on December 23, 2013.
5. Accordingly, the timeframe of fifteen days for the filing of the Record on Appeal coincided with the Christmas – New Year’s holiday period, resulting in a reduction of at least an additional two official holidays, Christmas Day and New Year’s Day, for the compiling and the filing of the voluminous record of over 1,200 pages for the three appeals.
6. All of the matters above stated result in a hardship in filing the Record on Appeal without the five (5) day requested extension.

Sworn to before me this 6 day of January, 2014.

Debra W. Covington
Notary Public for South Carolina
My Commission Expires: 5/22/2018

Howard Hammer
Howard Hammer

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THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

S.C. Supreme Court

Judge George James, Jr., Circuit Court Judge
James F. Barber, Supervising Circuit Court Judge

Howard Hammer, Appellant

v.

Shirley Hammer.....Respondent
Case No. 2009-CP-40-05911, Appellate No. 2013-001652

1634 Main, L.P.Plaintiff/ Appellant

v.

Shirley Hammer a/k/a Shirley Grace HightowerDefendant and Third Party
Plaintiff/Respondent


v.

Howard Hammer.....Appellant/Additional
Defendant on Counterclaim/Appellant
Case No. 2010-CP-40-2889, Appellate No. 2013-001638

PROOF OF SERVICE

I, Howard Hammer, do hereby certify that on January 6, 2014, **MOTION BY ALL APPELLANTS FOR EXTENSION OF TIME TO SERVE RECORD ON APPEAL and AFFIDAVIT** were served on counsel of record by placing a copy thereof in the U.S. Mail to the addresses as set forth below:

Desa Ballard, Esquire
Stephanie Weissenstein, Esquire
Law Offices of Desa Ballard
226 State Street
West Columbia, SC 29169


Howard Hammer