

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals
APPEAL FROM RICHLAND COUNTY
Court of Common Pleas
Stephanie N. Lawrence, Master-in-Equity
Case No. 24-CP-40-4005
Appellate Case No. 2026-001756**

RECEIVED
Oct 29 2026
SC Court of Appeals

James Burrell, as Personal Representative for
The Estate of Elizabeth Jones Burrell,
Respondent,

v.

Catherine Carroll, Deceased, and Any Unknown
Adults being a class designated as John Doe, and
any unknown infants or person under disability or
in the Military service being class designated as
Richard Roe, and Percy Morant,
Defendants,

of whom Percy Morant is the Appellant.

**APPELLANT'S MOTION FOR PERMISSION TO SERVE AND FILE INITIAL
BRIEF AND DESIGNATION OF MATTER OUTSIDE THE DEADLINES OF
RULES 208 AND 209, SCACR**

Appellant Percy Morant, Jr., pro se, moves for permission to serve and file his Initial Brief of Appellant and Designation of Matter outside the deadlines set by Rules 208 and 209, SCACR, as directed by the Clerk's letter dated October 19, 2026. Both documents are served and filed with this motion.

GROUND

1. Appellant served his notice of appeal on August 7, 2026 and filed an amended notice on August 11, 2026. He received the certified transcript of the July 8, 2026 hearing on August 4, 2026. Under Rules 208 and 209 his initial brief and designation were due before the date of this motion.

2. By letter dated October 19, 2026, which Appellant received on October 19, 2026, the Clerk directed him to serve and file the brief and designation, with a motion for

permission, within ten days or the appeal would be dismissed. This motion and its accompanying documents are filed within that period.

3. Since the notice of appeal, Appellant has been occupied with emergency proceedings that determined whether he could remain on the property while this appeal proceeds. On August 12, 2026 this Court temporarily stayed the order on appeal and remanded to the Master-in-Equity for a ruling on the motion to stay under S.C. Code Ann. Sec. 18-9-170; on August 14, 2026 this Court continued the temporary stay. The Master heard the matter on October 8, 2026 and signed an order on October 9, 2026 imposing a \$27,000.00 undertaking, to be posted by October 23, 2026. On October 23, 2026, before the deadline, Appellant filed a motion asking the Master to extend the time to post the undertaking. The Master denied that motion on October 29, 2026 and granted Respondent's motion for a writ of assistance. Appellant has filed a petition for review in this Court under Rule 241, SCACR, together with this motion.

4. Appellant is a pro se litigant. He is unemployed (Tr. 28:5), and he has prepared the filings in this appeal himself while responding to deadlines set in the proceedings described above. Appellant did not intentionally ignore the briefing deadlines. During this period he was overwhelmed by medical appointments for himself and for his mother, and he missed the deadlines.

5. Respondent will not be prejudiced. The appeal is at an early stage. The record on appeal has not been settled, and under Rule 208 Respondent's own brief is due thirty days after service of Appellant's brief. Respondent has been served with this motion, the brief, and the designation, and Respondent's counsel was copied on the Clerk's October 19, 2026 letter.

6. Dismissal would end Appellant's review of the August 6, 2026 order, which dismissed Respondent's only pleaded claim and ordered Appellant removed from the property although no party has been found to hold title or a superior right of possession. The issues raised in the brief are substantial and are fully presented. Good cause exists to permit the filing.

RELIEF REQUESTED

Appellant respectfully requests that this Court:

- (a) accept Appellant's Initial Brief of Appellant and Designation of Matter, served and filed with this motion, as timely;
- (b) in the alternative, grant Appellant permission to serve and file them outside the deadlines set by Rules 208 and 209, SCACR; and
- (c) grant such other relief as the Court deems just.

October ____, 2026

s/ Percy Morant, Jr.
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