

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

**APPEAL FROM AIKEN COUNTY
Court of Common Pleas
James Martin Harvey, Jr., Special Referee**

Case No. 2009-CP-02-000958

Elite Construction, Inc., Respondent

v.

**Doris E. Tummillo and Georgia Bank and Trust Company of Augusta,
Defendants,**

Of Whom Doris E. Tummillo is the Appellant,

And

Georgia Bank and Trust Company of Augusta is a Respondent.

Appellate Case No. 2013-001624

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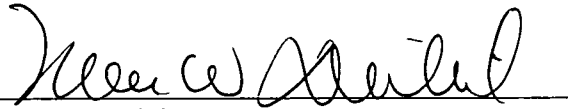
SC Court of Appeals

MOTION FOR EXTENSION OF TIME TO SERVE THE RECORD ON APPEAL

Now comes the Appellant, Doris E. Tummillo, by and through the undersigned counsel, and respectfully requests a twenty (20) day extension in which to serve a copy of the record on appeal in accordance with Rule 210(a), S.C. Appeal Rule. This motion is based upon the following grounds. Appellant's initial reply brief was served on January 22, 2014. The counsel for the Appellant and counsel for the Respondent, Elite Construction, Inc., scheduled a meeting last week to prepare and complete the record. As a result of last week's snow and ice storm in this area, the meeting had to be rescheduled. Both counsel have been in court out of the area this week and have been unable to confer. In order to allow sufficient time for counsel to meet and allow the Appellant to serve the record on Respondent, Appellant, with the consent of Respondent, respectfully requests a

twenty (20) day extension to serve the record so that the extension will run through and include, Thursday, March 13, 2014.

February 19, 2014

A handwritten signature in black ink, appearing to read "Neal W. Dickert", written over a horizontal line.

Neal W. Dickert
Paul K. Simons
Hull Barrett, PC
P. O. Box 1564
Augusta, Georgia 30901-1564
(706) 722-4481
Attorney for Appellant, Doris E. Tummillo

THE STATE OF SOUTH CAROLINA
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APPEAL FROM AIKEN COUNTY
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Case No. 2009-CP-02-0958

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v.

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Defendants,

Of Whom Doris E. Tummillo is the Appellant,

And

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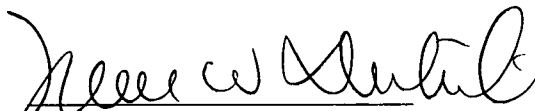
Appellate Case No. 2013-001624

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PROOF OF SERVICE

I certify that I have served the *Motion for Extension of Time to Serve the Record on Appeal* on Elite Construction, Inc. and Georgia Bank and Trust Company of Augusta, by delivery by the U. S. Mail with sufficient postage thereon, on February 19, 2014, addressed to each parties' respective attorney of record: Mr. Clarke W. McCants, III, Esq.; Nance McCants & Massey; 218 Newberry Street, S.W.; Aiken, South Carolina; 29801.

February 19, 2014



Neal W. Dickert, Esq.
Paul Simons
HULL BARRETT, P.C.
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Augusta, GA 30903
Phone: 706-722-4481
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Attorneys for Appellant



HULL BARRETT

A T T O R N E Y S

AUGUSTA AIKEN EVANS

NEAL W. DICKERT

NDICKERT@HULLBARRETT.COM

February 19, 2014

BY FEDERAL EXPRESS, TRACKING NO. 7979 6942 8047

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RE: *Elite Construction, Inc., Respondent vs. Doris E. Tummillo and Georgia Bank and Trust Company of Augusta, Defendants; Of Whom Doris E. Tummillo is the Appellant, and Georgia Bank and Trust Company of Augusta is a Respondent.*
Appellate Case No. 2013-001624

Dear Ms. Kitchings:

I represent the Appellant, Doris E. Tummillo, in the above-referenced appeal. Under Rule 210(a), I am required to serve the record on appeal on opposing counsel by this Friday, February 21, 2014. Because of the storm of last week and court schedules for counsel this week, Mr. McCants and I have been unable to meet to confer on the record. I would respectfully request, in accordance with the enclosed motion, an additional twenty (20) days to serve the record. Mr. McCants consents to this request.

I am enclosing our firm check in the amount of \$25 to cover the motion fee. I have also enclosed an extra copy of each document, which I would request that you "date-stamp" and return to me in the enclosed, postage-paid, self-addressed envelope.

Please let me know if there are any problems or concerns with this request. Thank you for your assistance.

With best regards, I remain

Very truly yours,


Neal W. Dickert

RECEIVED

FEB 20 2014

NWD:db
Enclosure

cc: Mr. Clarke M. McCants, III, Attorney for Elite Construction (w/enclosure)

SC Court of Appeals

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