

THE KINCANNON FIRM

June 7, 2014

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JUN 10 2014

SC Court of Appeals

Via First Class Mail

Office of the Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

Re: *Kincannon v. U.S. Bank National Association*, C/A No. 2013-CP-15-1023

Ladies and Gentlemen:

This letter is in response to several communications relating to the transcript issue in this matter. This appeal was filed on March 28, 2014. A letter requesting the transcript from the court reporter was placed in the mail on March 30, 2014. That letter is enclosed. I never received the transcript, which seemed especially odd since it has already been produced for opposing counsel.

Several days ago, my wife placed two pieces of mail in the mailbox at our home and raised the flag for the mail carrier, as was our normal practice. My wife then went to add a piece of mail to the box about 20 minutes later. The mail carrier had not been by, so the other two pieces of mail should have still been in the box. Yet when she opened the box, the mail she had placed in the box was gone, and a piece of mail from someone else's mailbox in our neighborhood was in our box. I filed a report with the United States Postal Inspector, but they indicated there was not much they could do, as I expected.

I then began to notice a few other pieces of outgoing mail sent in the past several months did not arrive at their destinations. All were things that were apparently mailed from my house on nights and weekend rather than from my office. My wife decided to place a few empty envelopes in our mailbox, raise the flag, and watch the mailbox from our window. As soon as she got back in the house, she observed our neighbor's autistic adult son walk across the street, open the box, remove some of the envelopes, and walk away with them. She is not certain what he ultimately did with them. He is non-verbal, so there is no way to know. (He not in any way malicious and obviously did not appreciate the seriousness of his conduct.)

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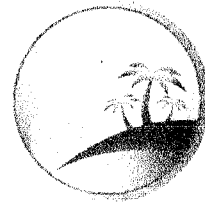
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June 7, 2014

From: J. Todd Kincannon

To: Office of the Clerk of Court, S.C. Court of Appeals



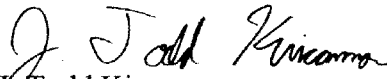
THE KINCANNON FIRM

I am certain that is what happened with the transcript order letter. I have no specific recollection of how I mailed it, but it is dated March 30th, which was a Sunday. I have no doubt that I mailed it from my house by putting it in the box with the flag up. It was mailed well ahead of the deadline, so there would have been no need for me to drive it to the post office to make certain it was timely postmarked (as is my habit on time-sensitive mailings that are sent just ahead of deadlines).

In light of all this, I have sent another letter to the court reporter ordering the transcript, which I expect she will provide promptly. I will then immediately file the Appellant's Initial Brief and Designation of Matter, and I may also file a Motion to Dismiss the Appeal for reasons beyond the scope of this letter. If it is necessary to make a motion for an extension of time given the situation, I will certainly do so. I am hopeful opposing counsel will consent given the circumstances.

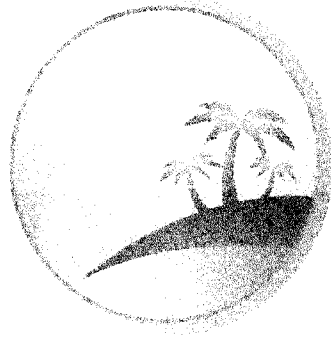
With kindest regards, I remain,

Very truly yours,


J. Todd Kincannon

Enclosure

cc: John Hawk, Counsel for Respondents



THE KINCANNON FIRM

March 30, 2014

Via First Class Mail

M. Rebecca Hill
522 Dowling Avenue
Walterboro, SC 29488

Re: *Kincannon v. U.S. Bank National Association*, C/A No. 2013-CP-15-1023

Dear Ms. Hill:

Please send me a copy of the transcript in the above matter for the hearing that was held on December 5, 2013. You have already prepared it for another party, so please just send me a certified copy of it along with an invoice. I do not need any sort of electronic version—whatever is simplest for you.

With kindest regards, I remain,

Very truly yours,


Todd Kincannon

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