

2

THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals

APPEAL FROM FLORENCE COUNTY  
Court of Common Pleas

Honorable R. Knox McMahon, Circuit Court Judge

Case No. 2013-CP-21-1334 and Case No. 2013-ES-21-190  
Appellate Case No.: 2013-002810

13585

RECEIVED

SEP 19 2014

SC Court of Appeals

In the Matter of the Estate of Eris Singletary Smith

In re:

Eris Gail Smith,.....Appellant,

v.

Judy Smith Jones, Jacqueline Brown, James Ervin Smith  
Timothy David Smith, Jamie Smith and Mikie Smith, Defendants

Of whom Judy Smith Jones is the.....Respondent.

**SECOND CONSENT MOTION TO EXTEND TIME TO  
FILE RESPONDENT'S INITIAL BRIEF AND DESIGNATION OF MATTER**

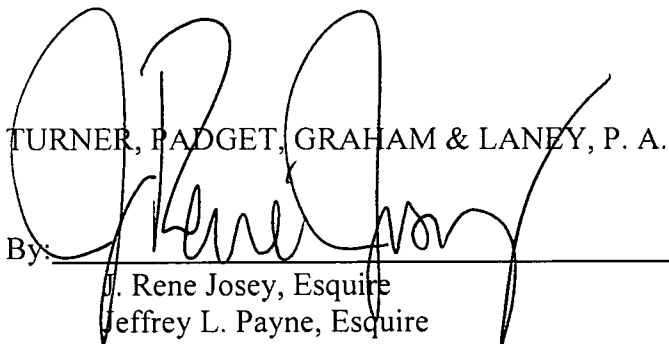
Pursuant to SCACR 240 and 263, the Respondent hereby moves for an extension of time in which to file the Initial Brief and Designation of Matter to be Included in the Record on Appeal in the above-referenced matter. The Respondent's initial Designation of Matter and Brief are now due on or about September 22, 2013. A significant disagreement regarding the record on appeal as found in the Appellant's Designation of Matter and related brief arguments is being addressed by the Respondent's separate Motion to Strike under SCACR 210(c) that is pending before this Court. The issues in that Motion need to be resolved before additional

briefing and designation can occur. Thus, the purpose of this requested extension is to allow the Court time to address that Motion to Strike. Respondent would ask that these deadlines be extended until 30 days after the Court addresses the Motion to Strike. While counsel for the Appellant does not agree with or consent to the Motion to Strike, they do consent to this requested extension.

Respectfully Submitted,

Florence, South Carolina

September 18, 2014

TURNER, PADGET, GRAHAM & LANEY, P. A.  
By:   
J. Rene Josey, Esquire  
Jeffrey L. Payne, Esquire  
319 S. Irby Street  
Post Office Box 5478 (29502)  
Florence, South Carolina 29501  
(843) 662-9008  
(843) 667-0828 fax  
Email: rjosey@turnerpadget.com

ATTORNEYS FOR THE RESPONDENT

Other Counsel of Record:

C. Mitchell Brown, Esquire  
William C. Wood, Jr., Esquire  
Miles E. Coleman, Esquire  
*Attorneys for Appellant*

THE STATE OF SOUTH CAROLINA  
In The Court Of Appeals

APPEAL FROM FLORENCE COUNTY  
Court of Common Pleas

Honorable R. Knox McMahon, Circuit Court Judge

**RECEIVED**

SEP 19 2014

**SC Court of Appeals**

Case No. 2013-CP-21-1334 and Case No. 2013-ES-21-190  
Appellate Case No.: 2013-002810

In the Matter of the Estate of Eris Singletary Smith

In re:

Eris Gail Smith,.....Appellant,

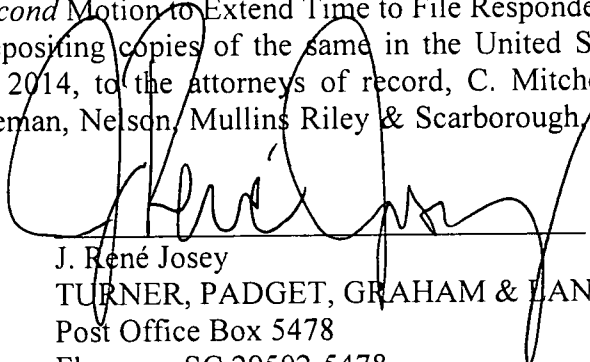
v.

Judy Smith Jones, Jacqueline Brown, James Ervin Smith  
Timothy David Smith, Jamie Smith and Mikie Smith, Defendants

Of whom Judy Smith Jones is the.....Respondent.

**PROOF OF SERVICE**

I certify that I have served the *Second Motion to Extend Time to File Respondent's Initial Brief and Designation of Matter*, by depositing copies of the same in the United States mail, postage prepaid, on September 18<sup>th</sup>, 2014, to the attorneys of record, C. Mitchell Brown, William C. Wood, Jr. and Miles E. Coleman, Nelson, Mullins Riley & Scarborough, LLP, P.O. Box 11070, Columbia, SC 29211.



J. René Josey  
TURNER, PADGET, GRAHAM & LANEY, P.A.  
Post Office Box 5478  
Florence, SC 29502-5478  
843-656-4451 (Telephone)  
843-413-5818 (Fax)  
RJosey@TurnerPadget.com (Email)

ATTORNEYS FOR RESPONDENT

# TURNER PADGET

TURNER PADGET GRAHAM & LANEY P.A.

CHARLESTON  
COLUMBIA  
FLORENCE  
GREENVILLE  
MYRTLE BEACH

J. RENÉ JOSEY

REPLY TO: FLORENCE OFFICE  
E-MAIL: RJOSEY@TURNERPADGET.COM  
WRITER'S DIRECT DIAL: (843) 656-4451  
WRITER'S DIRECT FAX: (843) 413-5818

September 18, 2014

Hon. Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

Re: Estate of Eris Singletary Smith: In re: Eris Gail Smith v. Judy Jones Smith  
Civil Action No.: 2013-CP-21-1334 and Case No. 2013-ES-21-190  
Tracking Number: 2013-002810  
TPGL File No.: 12331.101

Dear Ms. Kitchings:

Enclosed please find the original and seven copies each of Respondent's Second Motion For Extension Of Time To File Initial Brief And Designation Of Matter To Be Included In The Record On Appeal; *this motion has the Appellant's consent and seeks an Extension until 30 days after the pending Motion to Strike is resolved. This is the matter I spoke with you about briefly on Wednesday, September 17, 2014* and I am filing the motion to protect my time to respond regardless of the Court's ruling on the Motion to Strike.

Also enclosed for this motion is the original and one copy of the Proof of Service and our check for the filing fee. Please file the original documents and return clocked copies to me via the stamped self-addressed envelope provided.

Thank you for your assistance with this matter, and please contact me if you have any questions. I appreciate your consideration.

Sincerely,

TURNER, PADGET, GRAHAM & LANEY, P.A.

J. René Josey

JRJ:vlb  
Enclosures

Cc: Judy Smith Jones (w/enclosures)  
C. Mitchell Brown, Esquire (w/enclosures)  
William C. Wood, Jr., Esquire (w/enclosures)  
Miles E. Coleman, Esquire (w/enclosures)

BUSINESS • LITIGATION • SOLUTIONS

319 S. Irby Street (29501) • PO Box 5478 • Florence, SC 29502  
Phone (843) 662-9008 • Fax (843) 667-0828 • turnerpadget.com