

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

**APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas**

Marvin H. Dukes, III, Master-in-Equity

CASE NO. 2014-001747

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SEP 22 2014

SC Court of Appeals

JOSEPH C. SUN Appellant

v.

**MARSHALL L. HORTON Respondents
and RICHARD ULBRICH**

MOTION TO FILE INITIAL BRIEF OUT OF TIME

Appellant moves the court for leave to file his Initial Brief out of time on the ground that he was uncertain of the date that his Amended Notice of Appeal was considered filed and the date when the Initial Brief was actually due. Appellant postmarked and served his Amended Notice of Appeal on August 23, 2014. Therefore, this Initial Brief would be on time from the date of the Amended Notice of Appeal.


As shown in the attached copy of the Circuit Court Judgment entered on July 22, 2014, Mr. Horton was still the Attorney for the Respondents, therefore, all service copies should have sent to Mr. Horton. Appellant's original Notice of Appeal was correctly prepared and served according to court record, but was required by this court to file and serve the Amended Notice of

causing the delay. This confusion was caused by the Respondents' counsels' failure to file their Notices of Appearance at the Circuit Court causing the court record to have Mr. Horton be the counsel on record, and Appellant simply followed the official court record in his original Notice of Appeal.

As no transcript of the hearing was available or necessary, the due date of Appellant's Initial Brief was believed to be from the date of the Amended Notice of Appeal.

Appellant prays the court for leave to file his Initial Brief out of time without the transcript of the hearing, in the event the counting of time started on the date he filed his original Notice of Appeal.

Respectfully submitted,



JOSEPH C. SUN, pro se
P. O. Box 151
Bluffton, SC 29910
843-227-0963

PROOF OF SERVICE

I certify that I have this date served the Appellant's Motion to File Initial Brief Out of Time on Respondents Horton and Ulbrich by depositing a copy of same in the U.S. Mail postage prepaid, on September 17, 2014, addressed to their attorneys on record at:

Gregory Michael Galvin, Esq.
Attorney for Marshall Horton
P.O. Box 887
Bluffton, SC 29910

Lindsay Y. Goodman, Esq
49 Boundary Stree, 2nd Fl.
P. O. Box 3766
Bluffton, SC 29910

This 17th day of September, 2014



JOSEPH SUN

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SC Court of Appeals

For Clerk of Court Office Use Only

This judgment was entered on **11th day of July, 2014**, and a copy mailed first class or placed in the appropriate attorney's box on **22nd day of July, 2014**, to attorneys of record or to parties (when appearing pro se) as follows:

Joseph Sun
PO Box 151
Bluffton, SC 29910

ATTORNEY(S) FOR THE PLAINTIFF(S)

Marshall L. Horton, Esq.
PO Box 3766
Bluffton, SC 29910

ATTORNEY(S) FOR THE DEFENDANT(S)

Trena Patterson/staff

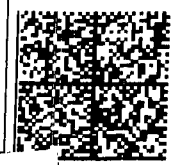
Court Reporter

Jerri Ann Roseneau - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

J. C. SUN
P.O. Box 151
Bluffton, SC 29910



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SC Court of Appeals

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S.C. Court of Appeals
P.O. Box 11629
Columbia, SC 29211

