

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM PICKENS COUNTY
Court of Common Pleas

Charles B. Simmons, Jr., Special Referee

74123

Appellate Case No. 2014-001233

Matthew H. Willimon, Jr and Elizabeth Willimon
.Appellants,

V.

Jake Gilstrap, Thomas R. Gilstrap, Sr., John Gilstrap,
Yvonne G. Smith, Jason A. Smith, and Patricia Gilstrap,
.Respondents.

MOTION TO CORRECT INITIAL AND REPLY BRIEFS OF APPELLANTS

Appellants move this court to amend their initial brief and reply brief. Appellants' counsel has consulted with respondents' counsel, James M. Robinson, and he consents to these changes. All requested changes involve form only and do not involve the substance of the initial brief.

A. Appellants move to amend their initial brief to correct the following matters:

1. The Appellants' nine statements of issues on appeal are

properly set out on pages 1 and 2 of the initial brief.

However, six of these statements were listed on page i which is the Table of Contents page. This same page was duplicated and enclosed again in the initial brief as page ii. Appellants requests permission to remove the six statements of issues on appeal from page i of the Table of Contents page and to eliminate the duplicate page.

2. On the Table of Authorities, Plaintiff listed the case of Jordan vs. Holt twice. Appellants request permission to remove one citation and correct spelling of one word. Appellants further cited the case of Bates vs. Lewis 311 S.C. 158, S.E.2d 907 (Ct.App. 1973) and the case of Latham vs. Garner, 673 P.2d 1048 (ID 1983) in the body of the initial brief, but failed to list these two cases under the Table of Authorities. Appellants request permission to list these two cases on the Table of Authorities.

3. The case of Townes Assoc., Ltd. vs. City Council of Greenville was listed in the Table of Authorities but the case citation was not listed in the Table of Authorities or in the body of the brief. The Appellants request permission to list the case citation in both places.

4. The Appellants further listed on the Table of Authorities the case of 56 Leinbach Investors, LLC vs. Magnolia Paradigm, Inc. Appellate case # 2012 - 213389 (Ct. App. 2014).

Thereafter, the Appellants did not cite this case in the body of the initial brief and requests permission to remove this case from the Table of Authorities.

5. Appellants failed to list the page in the initial brief where each case was cited and the Appellants request permission to correct the Table of Authorities to list those pages.

B. Appellants move to amend their reply brief to correct the following matters:

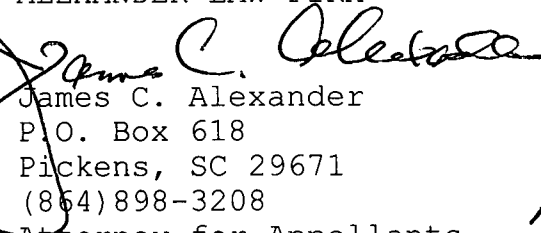
1. On the Table of Authorities, Appellants included cases cited in its initial brief but which were not cited in the body of the reply brief. The Appellants requests permission to eliminate all cases from the Table of Authorities that were not cited in the body of the reply brief.

2. The Appellants did not list on the Table of Authorities the page on which each case was cited in the body of the reply brief and requests permission to correct the Table of Authorities to so list these pages.

Appellants counsel has consulted Respondents' counsel and he consents to these changes being made.

Respectfully submitted,

ALEXANDER LAW FIRM


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Received 11/20/14

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November 11, 2014

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

OVERNIGHT MAIL

RE: Matthew H. Willimon, Jr. And Elizabeth Willimon vs. Jake
Gilstrap, Thomas R. Gilstrap, Sr., John Gilstrap, Yvonne G.
Smith, Jason A. Smith, and Patricia Gilstrap
Case No.:2014-001233

Dear Ms. Kitchings:

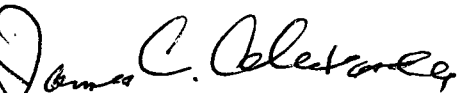
I have enclosed the original and six copies of a Motion to
Correct Initial and Reply Briefs of Appellants, along with my
check for \$25,000. A proposed corrected copy of both briefs are
attached to the motion. I consulted with Mr. Robinson who is the
attorney for the Respondents and he has consented to these
changes. I am serving him with a copy of these documents and have
enclosed my Proof of Service of that delivery.

Please let me know if you need any additional information.
Also, the record of appeal was served on Mr. Robinson on November
6, 2014 and a prompt reply to the motion would be greatly
appreciated.

Thank you for your cooperation and assistance.

Sincerely yours,

ALEXANDER LAW FIRM



James C. Alexander

enclosures

Cc: Mr. James M. Robinson
Robinson Law Firm
Attorney at Law
P.O. Box 738
Easley, SC 29641

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