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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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DEC 23 2014

SC Court of Appeals

APPEAL FROM PICKENS COUNTY
Court of Common Pleas

Charles B. Simmons, Jr., Special Referee

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 ACCEPT FINAL BRIEF OF APPELLANTS
WITH REFERENCE CHANGES

Appellants previously filed a motion to make certain changes to the Appellants' initial brief dated November 11, 2014. The motion was granted by order of the Court dated November 14, 2014. Appellants then prepared their Final Brief and made the changes authorized by the November 14, 2014 Court Order. When preparing the Final Brief, Appellants further changed the references in the initial brief to conform to the filed Record on appeal as required by Rule 211. The Appellants'

Final Brief was printed and filed with this Court. Appellants are mindful of Rule 211 as to Final Briefs which requires the references in the initial brief to be revised to indicate where the material appears in the filed Record on Appeal, but are further mindful that Rule 211 does not allow any other changes to be made.

Appellants have reviewed their Final Brief in light of a recent Motion filed by Respondent's counsel dated November 20, 2014. This Respondent's motion requests permission to correct and amend certain of the references in the Respondent's initial brief.

During the preparation of Appellants' Final Brief, it was discovered that: (1) The references in the initial brief which referred to pages in the transcript did not identify the specific lines involved. In the Final Brief, these specific lines were identified; (2) There were certain exhibits identified in the initial brief with the wrong number and in the Final Brief these references were changed to conform to the referred to exhibit as it appears in the Record on Appeal; (3) There were certain references to pages in the transcript which were incorrect and these references were changed in the Final Brief to reflect the correct page as it appears in the Record on Appeal; (4) There were certain references as to a provision of the orders issued by the Trial Court which referred to the wrong

page of the order or did not refer to a specific page at all.

These references were changed in the Final Brief to show where this provision of the orders appear in the Record on Appeal.

These changes are as follows:

1. On page 8 of the Final Brief: Appellants changed "exhibit 5" in the initial brief to "R. p. 174" in the Final Brief; "transcript page 15 and 16" in the initial brief to "R. p. 58, line 4-p. 59, line 11" in the Final Brief; and "Final order page 9" in the initial brief to "R. p. 20" in the Final Brief.

2. On page 9 of the Final Brief: Appellants changed "transcript page 16" in the initial brief to "R. p. 59, lines 18-19" in the Final Brief; "transcript page 17" in the initial brief to "R. p. 60, lines 21-25" in the Final Brief; "transcript page 18" in the initial brief to "R. p. lines 5-8" in the Final Brief; and "transcript page 26" in the initial brief to "R. p. 64, lines 17-21" in the Final Brief.

3. On page 10 of the Final Brief: Appellants changed "transcript page 24" in the initial brief to "R. p. 67, lines 10-15" in the Final Brief; "transcript page 25" in the initial brief to "R. p. 68, lines 10-15" in the Final Brief; "transcript page 26" in the initial brief to "R. p. 69, lines 3-7" in the Final Brief; "transcript page 36" in the initial brief to R. p. 79, lines 8-23" in the Final Brief.

4. On page 11 of the Final Brief: Appellants changed "plaintiff exhibit 15" in the initial brief to "R. p. 176" in the Final Brief; and "transcript page 71" in the initial brief to "R. P. 114, line 3-p. 115, line 3" in the Final Brief;

5. On page 12 of the Final Brief: Appellants changed "transcript page 80" in the initial brief to "R. p. 124, lines 9-23" in the Final Brief.

6. On page 26 of the Final Brief: Appellants changed "final order" in the initial brief to "R. p. 7" in the Final Brief; "Order on Motions to Amend" in the initial brief to "R. p. 7" in the Final Brief; "transcript page 71" in the initial brief to "R. p. 77, r. P. 178" in the Final Brief; and "transcript page 71" in the initial brief to "R. p. 114, line 8-p. 115, line 3" in the Final Brief.

7. On page 27 of the Final Brief: Appellants changed "order on motions to amend" in the initial brief to "R. p. 7" in the Final Brief.

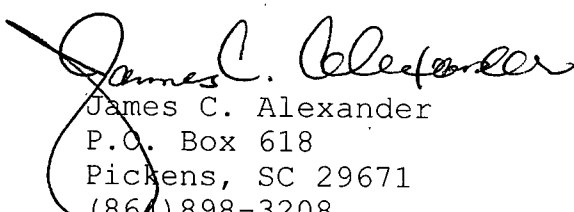
All other references that were set forth in the initial brief were merely revised to conform to where the material appears in the filed Record on Appeal.

While Appellants believe that they complied with Rule 211 as to their Final Brief in terms of references, as a result of the Respondents' motion and out of an abundance of caution, Appellants move that above changes as to references in the Appellants' Final Brief be authorized and that all references to the Record on Appeal as set forth in Appellants' Final Brief be accepted and the Appellants' Final Brief be accepted as filed.

Appellants' Counsel has previously consulted with respondents' counsel, James M. Robinson, and he consents to these changes.

Respectfully submitted,

ALEXANDER LAW FIRM




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Pickens, SC 29671
(864) 898-3208

Attorney for Appellants

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF PICKENS)	Case No.: 2012-CP-39- <u>144</u>
)	
Matthew H. Willimon, Jr.)	
and Elizabeth Willimon,)	
)	
Plaintiffs,)	
)	CERTIFICATE OF MAILING
vs.)	
)	
Jake Gilstrap, Thomas R.)	
Gilstrap, Sr., John Gilstrap,)	RECEIVED
Yvonne G. Smith, Jason A.)	DEC 23 2014
Smith, and Patricia Gilstrap,)	
)	
Defendants.)	SC Court of Appeals
.....)	

This is to certify that the undersigned did cause a filed copy of the Appellants' Motion to Accept the Final Brief of Appellants with Reference Changes to be served upon the Attorney for the Defendants by mailing a copy of the signed and filed order in an envelope addressed as shown below and depositing same in the United States Post Office, with proper postage affixed thereto, on the 22 day of December, 2014.

Mr. James M. Robinson
Attorney at Law
PO Box 738
Easley SC, 29640

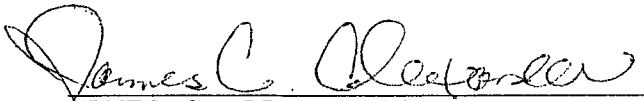


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December 22, 2014

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

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SC Court of Appeals

UPS 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:

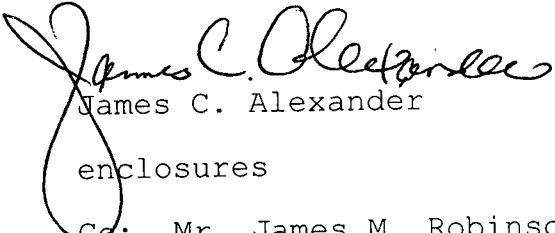
I have enclosed the original and six copies of a Motion to
Accept the Final Brief of Appellants with Reference Changes. The
Appellants' Final Brief has already been filed with the Court and
I have not attached any additional copies.

I previously consulted with Mr. Robinson who is the attorney
for the Respondents and he has consented. 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.

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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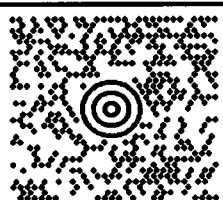

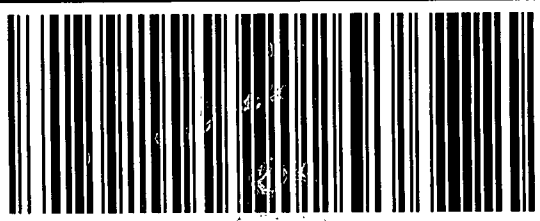

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