

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

74727

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

James O. Spence, Master-in-Equity

Case No. 2010-CP-32-2038

Oliver Grady Query, and the Estate of Grady W. Query, by its Personal Representative, Oliver Grady Query, Respondents-Appellants,

v.

Ladislao Castrejon, Alberto Lozano and Jesus Brito, Defendants,

Of Whom Ladislao Castrejon is the Appellant-Respondent,

And Jesus Brito is the Respondent.

MOTION TO AMEND DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

Allen Bullard
Montgomery Willard, LLC
Post Office Box 11886
Columbia, South Carolina 29211
(803) 779-3500

Attorney for Appellant-Respondent

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JAN 09 2015

SC Court of Appeals

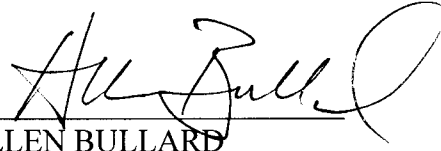
Appellant-Respondent had previously requested leave of court to file a motion pursuant to Rule 60, SCRCP, to correct a scrivener's error in the lower court's order. This Court granted Appellant-Respondent's motion, and the Rule 60 motion was filed with the lower court. The lower court granted Appellant-Respondent's motion and issued an order dated August 15, 2014 correcting the scrivener's error in its original order.

Although the August 15, 2014 order addresses an issue which has been briefed by the parties as part of this appeal, neither party included the order in their Designations of Matter to be Included in the Record on Appeal. Since this Court's review is limited to matters appearing in the Record on Appeal and the August 15, 2014 order pertains to issues briefed by the parties, Appellant-Respondent submits that it should be included in the Record on Appeal. Rule 210(h), SCACR.

For the foregoing reasons, Appellant-Respondent requests that this Court allow him to amend his Designation of Matter to be Included in the Record on Appeal. Counsel for Respondents-Appellants has indicated that he has no objection to Appellant-Respondent's request.

Appellant-Respondent would also request that the deadline for filing the record on Appeal be held in abeyance during the pendency of this motion and that Appellant-Respondent be afforded fifteen (15) days from the date of the resolution of the motion to file the Record on Appeal.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Allen Bullard", written over a horizontal line.

ALLEN BULLARD

Montgomery Willard, LLC

Post Office Box 11886

Columbia, South Carolina 29211

(803) 779-3500

Attorneys for Appellant-Respondent

January 7, 2015.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

James O. Spence, Master-in-Equity

Case No. 2010-CP-32-2038

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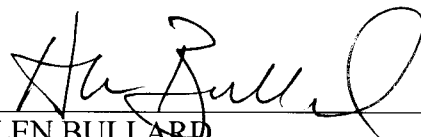
Ladislao Castrejon, Alberto Lozano and Jesus Brito, Defendants,

Of Whom Ladislao Castrejon is the Appellant-Respondent,

And Jesus Brito is the Respondent.

PROOF OF SERVICE

I certify that I have served Appellant-Respondent's Motion to Amend His Designation of Matter to be Included in the Record on Appeal on Respondents-Appellants by depositing a copy of it in the United States Mail, postage prepaid, on January 7, 2015, addressed to their attorney of record, Mark V. Evans, 147 Wappoo Creek Drive, Suite 202, Charleston, South Carolina 29412. I certify that I have also served Appellant-Respondent's Motion to Amend His Designation of Matter to be Included in the Record on Appeal on Respondent by depositing a copy of it in the United States Mail, postage prepaid, on January 7, 2015, addressed to him at 16 Forest Parkway, Building C-1119, Forest Park, Georgia, 30297-2015.



ALLEN BULLARD

Montgomery Willard, LLC

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(803) 779-3500

Attorneys for Appellant-Respondent

January 7, 2015.

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January 7, 2015

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: *Oliver Grady Query v. Ladislao Castrejon*
Appellate Case No.: 2014-001041
Our File No.: 2135450

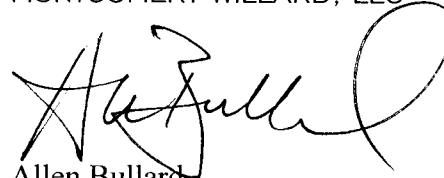
Dear Ms. Kitchings:

Enclosed please find the original and six copies of Appellant-Respondent's Motion to Amend His Designation of Matter to be Included in the Record on Appeal. I have also enclosed a check in the amount of \$25 to cover the filing fee.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

MONTGOMERY WILLARD, LLC


Allen Bullard

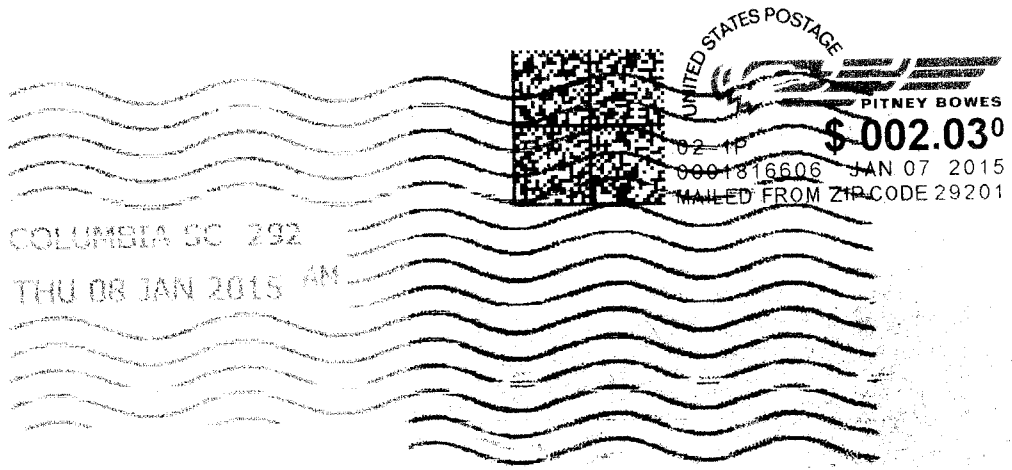
enclosures

cc: Mark V. Evans, Esquire
Ladislao Castrejon
Jesus Brito

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SC Court of Appeals

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The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
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