

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

74905

APPEAL FROM HORRYCOUNTY

COURT OF COMMON PLEAS

RALPH P. STROMAN, SPECIAL REFEREE

APPELLATE CASE NO. 2014-002593

Dewey Lee Small,.....Respondent,

v.

Maxine Johnson a.k.a. Maxine McQueen a.k.a. Maxcine Johnson, Ernestine Small Bass, Rose Small a.k.a. Rosemary Mary McQueen, Cassandra D. Odom a.k.a. Cassandra D. Shea, Michelle D. Odom a.k.a. Michelle D. DeLa Cort, Queenie Small a.k.a. Queenie B. Arnold a.k.a. Qunnie Arnold, Lewis Filton Small, Jr., a.k.a. Pete Small, William Franklin Small, a.k.a. Danny Small, Patsy Ann Small a.k.a. Patsy Small Crock a.k.a. Patsy Ann Small Pierick Crock a.k.a. Patsy Pierick, Donald Lee Small, Janava Small, a.k.a. Janava Small Lonneux a.k.a. Candy Small, Daisy Dean Small, a.k.a. Dean Small, Sandra Small, a.k.a. Sandra Howard, Jacqueline L. White, Jimmy Prince, Jr., Veretta Norman, Venata Small Olivera, Marcus Johnson, Jr., Dewey Jerome Johnson, John Doe, and Jane Doe, Representatives of any unknown Heirs,

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JAN 30 2015

SC Court of Appeals

In Re: The Estate of Lewis Small, Defendants,

of whom Patsy Ann Crock and Fulton Louis Small, are.....Appellants.

MOTION TO CONFIRM AND EXTEND TIME TO SERVE AND FILE INITIAL BRIEF AND DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

#1 con.

Appellants, by and through their undersigned attorney, with the consent of the attorney for Respondent, Dewey Lee Small, hereby move to **CONFIRM AND EXTEND TIME TO SERVE AND FILE INITIAL BRIEF AND DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** for a period of thirty (30) days from March 16, 2015, based on the following information:

The undersigned is a sole practitioner, is in the process of relocating his offices, will be selling his offices on February 2, 2015, and will thereafter be relocating his offices, with the administrative turmoil such a move entails.

The undersigned attorney was not the trial attorney and was substituted as attorney for Appellants following the filing of a Motion to Amend a Final Order filed on June 19, 2014.

The case on appeal is linked to an open Estate filed in the Office of the Probate Court for the County of Horry, and the undersigned is in active negotiations with the attorney for Respondent, and is in hope they may reach an agreement which would obviate the need for an appeal.

Transcripts for two (2) hearings, a hearing on May 9, 2014, and a hearing on September 29, 2014, were timely ordered from Advantage Court Reporting of Myrtle Beach on November 18, 2014. On November 21, 2014, an e-mail was received from Advantage Court Reporting which reflected the hearing on September 29, 2014, was covered by another company, Alderman Court Reporting. On November 25, 2014, a Request for Transcript was timely forwarded to Alderman Court Reporting. On December 3, 2014, a status update was requested from Alderman Court Reporting, and the undersigned attorney learned the person who staffed the hearing had moved from Conway to California, and would not return to South Carolina until

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sometime in January of 2015. On December 15, 2014, the undersigned requested a transcript of the second hearing from Sammi Encarnacion, the person who staffed the second hearing.

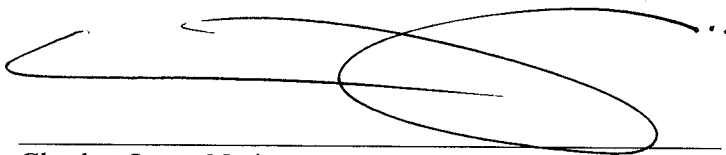
The undersigned seeks to confirm and extend time to serve and file the Initial Brief and Designation of Matter to be included in the Record on Appeal, from March 16, 2015, the date which is ninety (90) days measured from December 15, 2014, to April 16, 2015, for the reasons expressed above.

I So Move:

Dated at Georgetown, South Carolina, this 27th day of January, 2015.

Nation Law Firm, P.C.:
317 Screven Street (29440)
Post Office Drawer 1657
Georgetown, SC 29442-1657
Telephone No. 843.545.8877
Facsimile No. 843.545.8677

By:



(L.S.)

Charles Owen Nation, II, Esquire
Attorney for Appellants

THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM HORRYCOUNTY

COURT OF COMMON PLEAS

RALPH P. STROMAN, SPECIAL REFEREE

APPELLATE CASE NO. 2014-002593

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v.

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Ernestine Small Bass, Rose Small a.k.a. Rosemary Mary McQueen,
Kassandra D. Odom a.k.a. Kassandra D. Shea, Michelle D. Odom
a.k.a. Michelle D. DeLa Cort, Queenie Small a.k.a. Queenie B.
Arnold a.k.a. Qunnie Arnold, Lewis Filton Small, Jr., a.k.a. Pete
Small, William Franklin Small, a.k.a. Danny Small, Patsy Ann
Small a.k.a. Patsy Small Crock a.k.a. Patsy Ann Small Pierick
Crock a.k.a. Patsy Pierick, Donald Lee Small, Janava Small,
a.k.a. Janava Small Lonneux a.k.a. Candy Small, Daisy Dean
Small, a.k.a. Dean Small, Sandra Small, a.k.a. Sandra Howard,
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PROOF OF SERVICE

I, the undersigned employee of the attorney for the Appellants, certify I have served a copy of the **MOTION TO CONFIRM AND EXTEND TIME TO SERVE AND FILE INITIAL BRIEF AND DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL** dated January 27, 2015, by regular mail on January 27, 2015, on Respondent, Dewey Lee Small, by depositing a copy of which is attached, in the United States Mail, postage prepaid, addressed to his attorney of record, N. David Durant, Esquire, Law Offices of N. David Durant and Associates, Post Office Box 14722, Surfside Beach, SC 29587, and to the Honorable Jenny Abbott Kitchings, Clerk, South Carolina Court of Appeals, P.O. Box 11629, Columbia, SC 29211, on January 27, 2015.

Dated at Georgetown, South Carolina, this 27 day of January, 2015.

Nation Law Firm, P.C.:

By: 

(L.S.)

Cheryl L. Crews
Legal Assistant to
Charles Owen Nation, II, Esquire
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Post Office Drawer 1657
Georgetown, SC 29442-1657
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NATION LAW FIRM, P.C.

CHARLES OWEN NATION, II

ERIC GILLESPIE ARMSTRONG

ATTORNEYS AND COUNSELORS AT LAW

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January 27, 2015

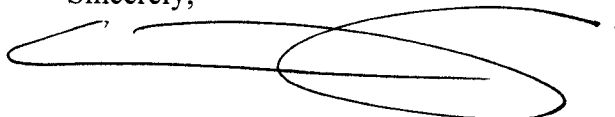
Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Dewey Lee Small vs. Lewis Filton Small, Jr., et al.
Civil Action Number 2012-CP-26-9832
APPELLATE CASE NO. 2014-002593

Dear Ms. Kitchings:

I am enclosing a **MOTION TO CONFIRM AND EXTEND TIME TO SERVE AND FILE INITIAL BRIEF AND DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL**, and have enclosed a check in the amount of \$25.00, and a Certificate of Mailing which reflects the transmittal of this letter and its enclosure to council for the Respondent. I respectfully request the Court allow me an extension of time for thirty (30) days to allow me the opportunity to prepare and file the Record on Appeal, and to attempt to settle a complicated pairing of Estates, with the consent and cooperation of opposing counsel. I would appreciate any leniency the Court is inclined to grant. By copy of this correspondence I am informing opposing counsel of this transmittal, and confirming his consent to this Motion. Please file the original Motion, and return a time stamped copy of these enclosures in the pre-addressed stamped envelope also enclosed for your convenience. Thank you very much for your time and attention to these matters. Assuring you at all times of my best personal care and attention, and with best regards, I am

Sincerely,



Charles Owen Nation, II

CON,II:clc
Enclosures

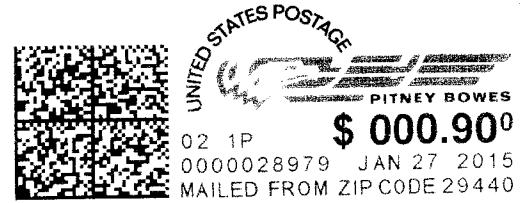
pc: N. David Durant, Esquire, Attorney for Respondent

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Honorable Jenny Abbott Kitchings
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