

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Court of Common Pleas

Frank R. Addy, Jr., Circuit Court Judge

RECEIVED
APR 23 2015
SC Court of Appeals

Case No. 2014-002410

Raymond D. Hobby,Respondent

vs.

Mary T. Hobby,Appellant

vs.

Frances B. Knowlton, individually and as trustee,Respondent.

**APPELLANT'S MOTION TO ADD A STATEMENT OF ISSUES
ON APPEAL TO APPELLANT'S BRIEF**

The Appellant hereby moves the Court to allow Appellant to amend her Initial Brief to add a Statement of Issues on Appeal, as required by Rule 208(b)(1)(B), SCACR. The Statement of Issues on Appeal was omitted from the Initial Brief through oversight. However, nothing new will be added if this motion is granted. The Statement of Issues on Appeal will be the same as the headings in the Appellant's Argument. Attached as

Exhibit 1 is the Table of Contents which is identical to the Table of Contents in the Initial Brief with the addition of the Statement of Issues on Appeal. The undersigned sought consent to make this change but consent was not given.



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Columbia, South Carolina
April 23, 2015

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Case No. 2014-002410

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Mary T. Hobby,Appellant

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AFFIDAVIT OF POPE D. JOHNSON, III

PERSONALLY APPEARED BEFORE ME, Pope D. Johnson, III, who being duly sworn, deposes and says:

1. I am Pope D. Johnson, III and I represent the Appellant. I make this affidavit based on personal knowledge.

2. I prepared, filed and served the Appellant's Initial Brief. Through inadvertence, I failed to include a Statement of Issues on Appeal. I request that I be allowed to correct the error by adding a Statement of Issues on Appeal to my brief. The Statement of Issues on Appeal that I propose to add will be identical to the headings set

forth in the Argument. Thus nothing new will be added. I sought consent of the Respondents to make this change but consent was not given.

SWORN TO AND SUBSCRIBED BEFORE ME

this 23rd day of April, 2015

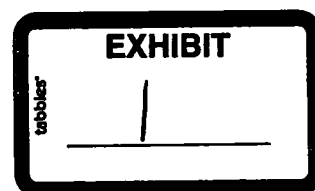
William W. Wise
Notary Public for South Carolina

My Commission Expires: 8/1/2016

Pope D. Johnson, III
Pope D. Johnson, III

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STATEMENT OF ISSUES ON APPEAL

I. THE CIRCUIT COURT JUDGE ERRED IN ACTING AS A FACT FINDER, IN DISREGARDING THE AFFIDAVITS SUBMITTED BY MS. HOBBY AND IN GRANTING SUMMARY JUDGMENT WHEN THERE WERE GENUINE ISSUES OF MATERIAL FACT AND/OR DISPUTED CONCLUSIONS TO BE DRAWN FROM THE FACTS

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C. THE CIRCUIT COURT JUDGE ERRED IN BECOMING A FACT FINDER AND IN FINDING THAT MS. HOBBY WAS NOT MEDICALLY DISABLED FROM RESPONDING TO MR. HOBBY WHEN THE UNCONTRAVERTED EVIDENCE ESTABLISHED THAT SHE WAS

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PROOF OF SERVICE

I, Sherry W. Wise, of Pope D. Johnson, III, Attorney at Law, hereby certify that I have served Benjamin C. Bruner, attorney for Respondent Raymond D. Hobby, and R. Davis Howser, attorney for Respondent Frances B. Knowlton, with the following pleadings by mailing a copy of same, postage prepaid and return address clearly indicated, to them at the following addresses on the 23rd day of April, 2015.

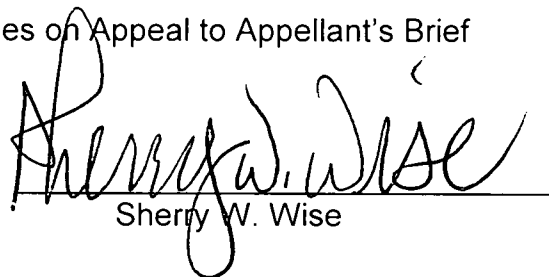
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PLEADINGS:

Appellant's Motion to Add A Statement of Issues on Appeal to Appellant's Brief



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April 23, 2015

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APR 23 2015

SC Court of Appeals

(Via Hand Delivery)

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

Re: Raymond D. Hobby v. Mary T. Hobby
Case No. 2014-002410

Dear Ms. Kitchings:

Enclosed herewith are the original and seven (7) copies of Appellant's Motion to Add A Statement of Issues on Appeal to Appellant's Brief regarding the above-referenced action. Also enclosed is a check in the amount of \$25.00 for the filing fee. Please file the original and six (6) copies of the Motion and clock and return the additional copy to me.

With a copy of this letter to Benjamin C. Bruner, attorney for Respondent Raymond D. Hobby, and R. Davis Howser, attorney for Respondent Frances B. Knowlton, I am serving a copy of the Motion upon them.

Sincerely,



Pope D. Johnson, III

PDJIII/sww
Enclosures

cc: Benjamin C. Bruner, Esquire
R. Davis Howser, Esquire