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THE STATE OF SOUTH CAROLINA  
SOUTH CAROLINA COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY  
COURT OF COMMON PLEAS

MARVIN H. DUKES, III, MASTER-IN-EQUITY

RECEIVED

SEP 02 2015

SC Court of Appeals

CASE NO.: 2013-CP-07-000918  
APPELLATE CASE NO.: 2014-000636

MARE BARACCO

Appellant,

vs.

BEAUFORT COUNTY, SOUTH CAROLINA

Respondent

MOTION TO HOLD IN ABEYANCE THE ORDER TO  
SUBMIT THE RECORD ON APPEAL PENDING DISPOSITION OF THE  
APPELLANT'S MOTION TO ALTER, AMEND AND VACATE JUDGEMENT IN THE  
LOWER COURT

Mare Baracco, *Pro Se*  
1006 Madrid Avenue  
Port Royal, South Carolina 29935  
(843) 592-1062

Date August 31, 2015

Appellant hereby petitions this court for an Order to hold in Abeyance the Appellant's submission of the Record on Appeal, for the following reasons:

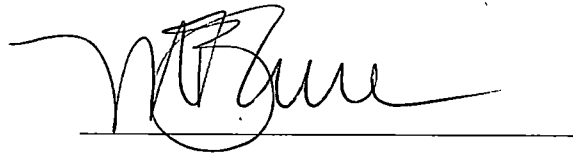
First, in March 2015 the Appellant was blindsided by a "Rule to Show Cause" initiated by the Respondents, summoning her to a "Contempt Hearing" before Beaufort County Magistrate Court Judge Richard Brooks. The Appellant filed a motion for a continuance with the Magistrate Court prior to this hearing, informing the Court this matter was on appeal under SCRCF Rule 241, and copied the Respondents. The Appellant's motion was denied. This hearing took place even though the Respondents did not petition the South Carolina Court of Appeals per Rule 241 for permission to proceed against the Appellant. Therefore, the Appellant was forced to appear April 8, 2015 and (predictably) found "Guilty" and received a ten day suspended jail sentence for (alleged) non-compliance of an "Order" from May 2, 2013 (for the Court's information, there is no written "Order" of May 2, 2013 in existence, pursuant to SCRCF Rule 58, set forth and entered on the record).

The Appellant subsequently hired new Counsel and a hearing is scheduled before Judge Brooks September 21, 2015 (exhibit attached). This hearing is a "Motion to Alter, Amend and Vacate Judgement". While this Motion concerns the "Order" that resulted from the aforementioned April 8 hearing, it references the matter upon which this Appeal is based.

The second reason is two of the three transcripts to be included as part of the Record on Appeal are currently being reviewed in preparation for this September 21 hearing and are not in the Appellant's possession; she would not be able to retrieve them until Monday, August 31 at the earliest, which is the same date of submission as in the Court's Order.

The Appellant does not wish to vex the Court; however, the circumstances which gave rise to this latest hearing could not have been anticipated by the Appellant. She was given to understand per the Rules of Civil Procedure there was an “automatic stay” while on appeal and specific procedures the opposing party must follow under SCRCP 241(d) for the lifting of this “stay”. With this hearing before the lower court so imminent, as well as the possibility of resolution and also in the interest of judicial economy, the Appellant respectfully requests the Court grant this Motion in her favor and hold the submission of the Record on Appeal in abeyance until the disposition of the lower court hearing September 21, 2015.

Respectfully submitted this the 31<sup>st</sup> day of August of 2015.

A handwritten signature in black ink, appearing to read 'M. Baracco', is written over a horizontal line.

Mare Baracco  
1006 Madrid Avenue  
Port Royal SC 29935  
(843) 592-1062

**STATE OF SOUTH CAROLINA  
COUNTY OF BEAUFORT**

Mare Baracco  
1006 Madrid Avenue  
Port Royal, SC 29935

**MAGISTRATE SUMMONS**

Be advised that the attached Motion has been filed with the Court. Therefore, you are hereby summoned to be and appear personally in the Beaufort County Magistrate, located at 104 Ribaut Road, Beaufort, SC on September 21, 2015, at 1:00 PM to serve as a plaintiff/defendant/attorney/witness in a Motion Hearing in the case of:

State Of South Carolina

Vs

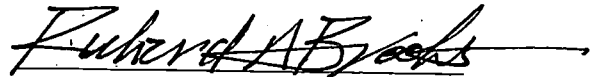
Mare Baracco

\_\_\_\_\_  
PLAINTIFF(S)

\_\_\_\_\_  
DEFENDANT(S)

CIVIL CASE #: 2012CV0710401536.

HEREIN FAIL NOT, ON PAIN OF FORFEITING THE LAWFUL PENALTY IN SUCH CASE MADE AND PROVIDED.

  
Judge

Beaufort County Beaufort Magistrate  
104 Ribaut Road Post Office Box 2207  
Beaufort, SC 29901  
PHONE: (843) 255-5700 FAX: (843) 255-9427

July 28, 2015

THE STATE OF SOUTH CAROLINA  
SOUTH CAROLINA COURT OF APPEALS

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APPEAL FROM BEAUFORT COUNTY  
COURT OF COMMON PLEAS

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MARVIN H. DUKES, III, MASTER-IN-EQUITY,  
BEAUFORT COUNTY  
TRIAL COURT CASE NO.: 2013CP0700918

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SC Court of Appeals

APPELLATE CASE NO.: 2014-000636

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MARE BARACCO,

APPELLANT,

v.

BEAUFORT COUNTY, SOUTH CAROLINA

RESPONDENT

**PROOF OF SERVICE**

I certify I have served the Motion to hold in abeyance the Order to submit the Record on Appeal pending disposition of the Appellant's Motion to Alter, Amend and Vacate the Judgement in the Lower Court on the Respondents by depositing copies in the United States Mail, postage prepaid, August 31, 2015, addressed as follows:

Mary Bass Lohr  
Post Office Box 40  
Beaufort, South Carolina 29901-0040

Allison Coppage /Joshua Gruber  
Post Office Box 1228  
Beaufort SC 29901  
Attorneys for Respondent.



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Mare Baracco, *Pro Se*  
1006 Madrid Avenue  
Port Royal, South Carolina 29935  
(843) 592-1062

MARE BARACCO  
1006 Madrid Avenue  
Port Royal, South Carolina 29935  
(843) 592-1062

August 31, 2015

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

**RECEIVED**  
SEP 02 2015  
SC Court of Appeals

RE: Mare Baracco v. Beaufort County, Case No. 2013-CP-07-00918  
Appellate Case No.: 2014-000636

Dear Ms. Kitchings:

Enclosed for filing is a "*Motion to hold in abeyance the Order to submit the Record on Appeal pending disposition of the Appellant's Motion to Alter, Amend and Vacate the judgement in the Lower Court*". I've enclosed a check in the amount of \$25.00, and Proof of Service of the same upon the Respondent.

Sincerely,



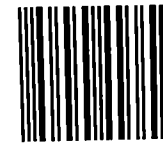
Mare Baracco, *Pro Se*  
1006 Madrid Avenue  
Port Royal, South Carolina 29935

Other Counsel of Record:  
Mary Bass Lohr  
Allison Coppage  
Joshua Gruber

AZACC0  
006 Madrid Ave  
Port Royal SC 29935



1006



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SEP 02 2015

SC Court of Appeals

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