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THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

APPEAL FROM LANCASTER COUNTY
H. Clayton Walker, Jr., Special Referee

JAN 20 2016

SC Court of Appeals

Case No. 2015-002243

Evelyn Lowery, Respondent,)
)
 v.)
 Eula M. Daniels, Darrell Waiters, Monique Thompson,)
 Phinesa R. Waiters, Pearl Mahjoub, Tommie Lee James,)
 John William James, William C. Waiters, Mary L. Bailey,)
 Harold Bascomb, Romona Bascomb, Nakia Williams,)
 Nerisse Williams, Carlton McPhaul, Donnell McPhaul,)
 Idell R. Waiters, Ella R. Waiters, Elizabeth Ann Moore,)
 Donald Waiters, Brenda Wade, Glenda Waiters, Wilric Waiters,)
 Dorothy Johnson, Ruth Jordan, Ronald Sweet, Donald Johnson,)
 David Lee Richardson, Raymond Richardson, Lafayette)
 Richardson, Jr., Robert C. Richardson, Bill Moses, Margaret)
 Jones, Herman Sweet, Jr., Reginal Coleman, Michael)
 Coleman, Sharon Coleman, Tammy Coleman, Bridgette)
 Coleman, Delfreda Coleman, Phillip Hatchet, Iceola Weeks,)
 Charles Burt, Theodore R. Brewer, Leola Waiters, Betty J. Catoe,)
 Carrie Waiters, Ernest L. Waiters, Irene Carr, Janie Dixon, Donald)
 F. Waiters, Rayford J. Waiters, Carolyn McKenny, Larry Waiters,)
 Denise Allen, Kevin Waiters, Ginger Ann Waiters, Harry Waiters,)
 Linda D. Addison, Angelet Hardin, Irene Sanders, Joseph Coleman,)
 Jr., Wylie Mingo, Joyce Ann Benjamin, Gary W. Coleman, Jr.)
 Lilyan A. Coleman, John C. Waiters, Estate of Anna B. Waiters, Anna)
 E. Perkins, Willie James Hall, Lena Tibbs, Janese R. Allen, Leonard)
 Hall, Jr. Clinton James Hall, Leotis Hall, Christine C. Hall, Alma R.)
 Grant, Pearl Hall, Mary Hall, Mark Hall Kevin Hall, Doris Hall)
 Iris Hall, Clifton Hall, Dywayne Hall, Novella Hall, Lenonne Addison,)
 Brendetta Hall, NaSheqeca Bekia Hall, Marquavious Tramble Hall,)
 Sabrina McWaters, Renonia Church, Gwen McWaters, Jacqueline)
 McWaters, Renee McWaters, Connie C. Parker, Alice C. Truesdale,)
 Eliza c. Truesdale, Roy Caskey, Maggie Caskey, Leon Caskey, III,)
 Sharon Harris, Eliza Furgerson, David Hall, Robert Hall, Joseph)
 Hall, Henrietta Hall, Linda Duncon, M.L. Hall, Alvin Hall, Oscar)
 Hall, Jr., Laura Mae Hall, Anna Hall, Patricia H. Bentley, Casey)

Hall, Janie Douglas, Mary Bradlee, Elizabeth Hall, Teresa Pope,)
Devron Wright, Dryon J. Hall, Romelle Simpson, Estate of Alma)
Tilman, Ren Tilman, Chris Waiters, if living and if any of the said)
Defendants are deceased, then their heirs or devisees at law, and all)
other persons claiming any right, title, interest in or lien upon the real)
estate described herein, and any unknown infants or persons, under)
disability or persons in the military service hereby designated as a)
class John Doe and Jane Roe, Defendants,)

Of whom Kevin Waiters is the Appellant.)
)
)
)

**MOTION TO ORDER TRANSCRIPT OUTSIDE OF
FILING DEADLINE**

Appellant Kevin Waiters along with the undersigned attorney, hereby petitions this court for permission to order the transcript outside of the filing deadline. The grounds for this motion in summary are as follows:

1. Appellant filed a Notice of Appeal with this court in regards to the above-captioned matter on October 26, 2015. Since the Final Order from the lower court does not reference the name of any court reporters, on October 27, 2015 letters were mailed to all attorneys affiliated with this case to identify the court reporters for the two (2) previous hearings in the lower court of Lancaster County, South Carolina in order to obtain the transcripts.
2. On December 4, 2015 the name and contact information for the court reporter from the second hearing B. White from Dallas Reporting, Inc. was provided by attorney Mark Grier who further explained there was no court reporter for the first hearing because the hearing was *de novo*. Attorney for the Appellant then contacted Dallas Reporting, Inc. requesting the transcripts.
3. On December 8, 2015, the Attorney for Appellant was contacted by Dallas Reporting, Inc. who indicated the hearings their reporters attended for the case were not transcribed. Dallas Reporting, Inc. then explained on December 23, 2015, the untranscribed testimony from the four (4) hour hearing for this case held on June 20, 2014 could be transcribed. The Appellant then mailed the deposit for the transcriptions.
4. Dallas Reporting, Inc. later notified the Attorney for the Appellant explaining they were unable to start the transcripts due to not having the exhibits from the

hearing in which they indicated they were intending to locate by contacting the Special Referee and the lower court. The Attorney for the Appellant is still awaiting information regarding the exhibits/transcripts from the court reporter.

5. For these reasons, the Appellant requests a motion from this court requesting permission to order the transcript outside of filing deadlines set forth by Rule 207 of the SCACR.



M. Rita Metts
3531 River Drive
Columbia, SC 29201
(803) 929-0577
Attorney for Appellant

January 14, 2016

PROOF OF SERVICE

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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JAN 20 2016

SC Court of Appeals

APPEAL FROM LANCASTER COUNTY
Court of Common Pleas

H. Clay Walker, Jr., Special Referee

Case No. 2015-002243

Evelyn Lowery,

Respondent,


v.

Eula M. Daniels, Darrell
Waiters (Kevin Waiters),

Appellant.

PROOF OF SERVICE

I certify that I have served the Motion to Order the Transcript Outside of the Filing Deadline on Marion H. (Mark) Grier, Jr., Esq., PO Box 1809, Lancaster, SC 29721, Chris Mills, Esq., PO Box 8475, Columbia, SC 29202, and Ron Robbins, Esq., PO Box 160, Landrum, SC 29356 by depositing a copy of it in the United States Mail, postage prepaid, on January 15, 2016.


M. Rita Metts
3531 River Drive
Columbia, South Carolina
(803) 929-0577
Attorney for Appellant

January 15, 2016

METTS LAW FIRM, LLC

M. Rita Metts, Attorney at Law

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Certified Family Court Mediator

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January 15, 2016

JAN 20 2016

SC Court of Appeals

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

RE: Evelyn Lowery v. Eula M. Daniels, (Kevin Waiters)
Appellate Case No.: 2015-002243

Dear Ms. Kitchings:

Enclosed for filing is the original and (6) copies of the Motion to Order Transcript Outside of the Filing Deadline in the above case. Also enclosed are the following:

1. Proof of Service of the Motion to Order Transcript Outside of the Filing Deadline on the respondents.
2. A filing fee of \$25.00.

Thank you for assistance regarding this matter.

Sincerely,



M. Rita Metts

3531 River Drive

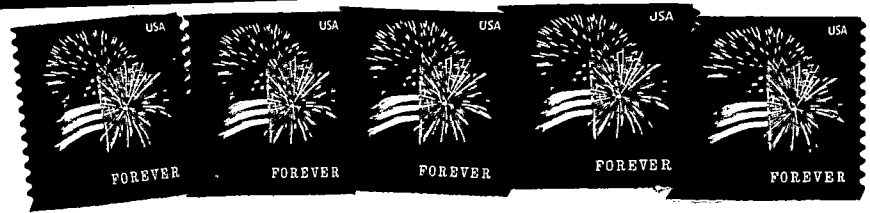
Columbia, South Carolina 29201

(803) 929-0577

Attorney for Appellant

Enclosures

c: Marion H. (Mark) Grier, Jr., Esquire



Metts Law Firm, LLC
3531 River Drive
Columbia, SC 29201

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

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