

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL from Court of Common Pleas of CHARLESTON COUNTY

J.C. Nicholson, Circuit Court Judge

RECEIVED

APR 25 2016

CASE NO. 2014-CP-10-5355  
Appellate Case No. 2016-000748

SC Court of Appeals

IN RE Estate of Norman R. Knight, Jr., (deceased), and Estate of Mildred C. Knight, (deceased),  
and Norman Robert 'Bobby' Knight, III, Plaintiffs,

Of whom Norman Robert "Bobby" Knight, III is the Appellant,

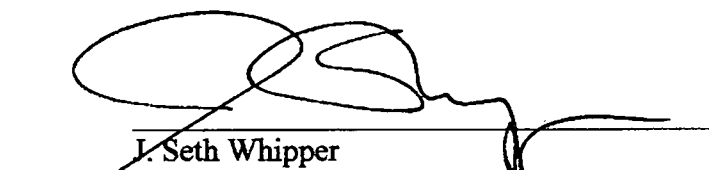
v.

Beatrice A. Whitten, as a Special Administrator, and Chloe Knight-Tonney, Respondents,

MOTION TO REQUEST A TRANSCRIPT OUT OF TIME

NOW comes Appellants to request a Transcript Out of Time. Appellants requested a copy of the transcript for the November 9, 2015 hearing before the Honorable J. C. Nicholson, Jr. in a letter dated April 19, 2016. Appellants filed and served their notice of appeal on April 8, 2016. Appellants inadvertently and mistakenly confused the date when the civil appeal transcript should be requested with the later filing date of the criminal appeal transcript request. This motion is based on the South Carolina Rules of Court and applicable law.

April 25, 2016

  
I. Seth Whipper  
Attorney for the Appellants  
P.O. Box 70070  
North Charleston, SC 29415  
843-740-7777

Other Counsel of Record:

Beatrice E. Whitten, Esquire  
C. Mac Gibson, Esquire

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL from Court of Common Pleas of CHARLESTON COUNTY

J.C. Nicholson, Circuit Court Judge

RECEIVED

APR 25 2016

SC Court of Appeals

CASE NO. 2014-CP-10-5355  
Appellate Case No. 2016-000748

IN RE Estate of Norman R. Knight, Jr., (deceased), and Estate of Mildred C. Knight, (deceased),  
and Norman Robert 'Bobby' Knight, III, Plaintiffs,

Of whom Norman Robert "Bobby" Knight, III is the Appellant,

v.

Beatrice A. Whitten, as a Special Administrator, and Chloe Knight-Tonney, Respondents,

MEMORANDUM IN SUPPORT OF MOTION TO REQUEST TRANSCRIPT OUT OF  
TIME

DISCUSSION

Appellants filed and served the original Notice of Appeal on April 8, 2016. This Notice of Appeal was filed after receipt on March 11, 2016 of written notice of entry of the order denying post-trial motions. On April 11, 2016, Appellants wrote the Clerk of Court notifying the Court that the within appeal would cover several additional orders, and on April 18, 2016, Appellants responded to a clerk office letter regarding correction of the title of this appeal. On April 19, 2016, Appellant requested a copy of the transcript (Exh.1). In preparing for the next level of filings, Appellants recognized that the transcript was requested one (1) day after the date directed in the proceedings. Appellants mistakenly and inadvertently confused the date when the civil appeal transcript should be requested with the later filing date of the criminal appeal transcript request.

The transcript of the oral argument is relevant and necessary to the record of all proceedings. The transcript will certify the issues presented to the lower tribunal and provide

clarification on the positions of the parties. All appeals require a bonafide record. Jackson v. Jackson, 256 S.C. 127, 181 S.E.2d 266, (1971); Robert Harmon and Bore, Inc. v. Jenkins, 282 S.C. 189, 318 S.E.2d 371 (Ct. App.1984).

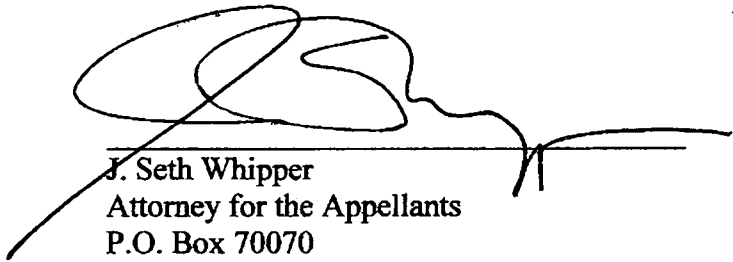
Because the transcript was requested one (1) day beyond the normal date, the flow of the proceedings is not effected adversely, and Appellants' have addressed the matter promptly. The Appellants are presenting major and profound issues, and Respondents will not be prejudiced by the use of the transcript of the lower tribunal hearing. Appellants' prompt response has significantly diminished the impact of this issue and does not alter the normal limits for this appeal. The request for the transcript out of time should be allowed. Henning v. Kaye, 307 S.C. 436, 415 S.E.2d 794 (1992).

### CONCLUSION

Appellants should be allowed to request the transcript of the lower tribunal hearing no later than April 19, 2016.

Respectfully Submitted,

April 25, 2016



J. Seth Whipper  
Attorney for the Appellants  
P.O. Box 70070  
North Charleston, SC 29415  
843-740-7777

Other Counsel of Record:

Beatrice E. Whitten, Esquire  
C. Mac Gibson, Esquire

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL from Court of Common Pleas of CHARLESTON COUNTY

J.C. Nicholson, Circuit Court Judge

CASE NO. 2014-CP-10-5355  
Appellate Case No. 2016-000748

IN RE Estate of Norman R. Knight, Jr., (deceased), and Estate of Mildred C. Knight, (deceased),  
and Norman Robert 'Bobby' Knight, III, Plaintiffs,

Of whom Norman Robert "Bobby" Knight, III is the Appellant,

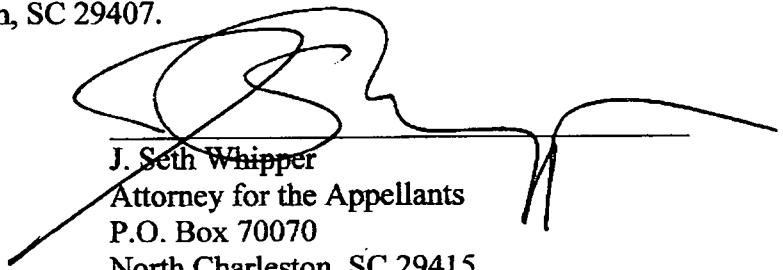
v.

Beatrice A. Whitten, as a Special Administrator, and Chloe Knight-Tonney, Respondents,

PROOF OF SERVICE

I certify that I have served the Motion to Request A Transcript Out of Time, Memorandum in Support of Motion to Request Transcript out of Time, and the Transcript Letter on Beatrice E. Whitten, Esquire and C. Mac Gibson Jr., Esquire by depositing a copy to them in the United States Mail, postage prepaid, on April 25, 2016, addressed to attorneys of record, Beatrice E. Whitten, Esquire 1110 Queensborough Blvd, Mt. Pleasant, SC 29464 and C. Mac Gibson Jr., Esquire 1118 Savannah Highway Charleston, SC 29407.

April 25, 2016

  
J. Seth Whipper  
Attorney for the Appellants  
P.O. Box 70070  
North Charleston, SC 29415  
843-740-7777

Other Counsel of Record:

Beatrice E. Whitten, Esquire  
C. Mac Gibson, Esquire

**RECEIVED**

APR 25 2016

SC Court of Appeals



# WHIPPER LAW FIRM

*Attorneys and Counselors at Law*

4592 Durant Avenue  
North Charleston, SC 29405  
(843) 740-7777  
FAX (843) 740-9108

CHERYL WHIPPER HAMILTON  
J. SETH WHIPPER

Mailing Address  
P. O. Box 70070  
North Charleston, SC 29415

April 19, 2016

Sharon Vizer  
Post Office Box 1413  
Johns Island, SC 29457

RE: IN THE MATTER OF NORMAN ROBERT KNIGHT, JR. (deceased) and Estate of Mildred C. Knight, (deceased) and Norman Robert "Bobby" Knight, III, v. Beatrice E. Whitten, as Special Administrator and Chloe Knight-Toney, Claimant, Respondents  
Case Number: 2014-CP-10-5355  
Hearing Date: November 9, 2015

Dear Ms. Vizer:

I am writing to request a complete copy of the transcript of the trial in the above-referenced matter which is now on appeal. The trial was conducted on November 9, 2015, before the Honorable Judge J. C. Nicholson, Jr., as a non-jury matter in the Charleston County Court of Common Pleas. I will be responsible for all costs associated with your production of this transcript

Please let me know if anything else is needed at this time to facilitate my request for this transcript.

Sincerely yours,  
WHIPPER LAW FIRM  
/s

J. Seth Whipper

**RECEIVED**

APR 25 2016

SC Court of Appeals

cc: The Hon. Jenny Abbott Kitchings  
Rosalyn W. Frierson  
Judy L. Brown  
Bobby Knight, III  
Beatrice E. Whitten  
C. Mac Gibson, Jr.

(Exhibit 1)

**WHIPPER LAW FIRM***Attorneys and Counselors at Law*

4592 Durant Avenue  
 North Charleston, SC 29405  
 (843) 740-7777  
 FAX (843) 740-9108

CHERYL WHIPPER HAMILTON  
 J. SETH WHIPPER

MAILING ADDRESS  
 POST OFFICE BOX 70070  
 NORTH CHARLESTON, SC 29415

April 25, 2016

**RECEIVED**

APR 25 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: **IN RE Estate of Norman R. Knight, Jr., (deceased), and Estate of Mildred C. Knight, (deceased), and Norman Robert "Bobby" Knight, III, Plaintiffs; Of whom Norman Robert "Bobby" Knight, III is the Appellant, v. Beatrice A. Whitten, as a Special Administrator, and Chloe Knight-Tonney, Respondents.**  
**Appellate Case No.: 2016-000748**  
**Motion to Request a Transcript out of time – For filing**  
**Memorandum In Support of Motion to Request Transcript Out of Time – For Filing**  
**Proof of Service – For Filing**

Dear Ms. Kitchings:

Find enclosed check number **# 9897** in the amount of \$25.00 for filing. Also, enclosed for filing are the following documents: Motion to Request a Transcript out of Time, Memorandum In Support of Motion to Request Transcript out of Time, Transcript Letter (exhibit 1), and Proof of Service in the above case. I have enclosed a self-addressed, stamped envelope for returning the conformed copy.

Thank you for your assistance and cooperation with this matter.

Sincerely,  
 WHIPPER LAW FIRM

  
 J. Seth Whipper, Esquire

JSW/lfs  
 Enclosures

xc: Bobby Knight  
 Judith L. Brown  
 C. Mac Gibson, Jr.  
 Beatrice E. Whitten

# FAX TRANSMISSION

WHIPPER LAW FIRM  
4592 Durant Avenue  
North Charleston, South Carolina 29405  
(843) 740-7777  
Fax: (843) 740-9108

## RECEIVED

APR 25 2016

SC Court of Appeals

To: The Honorable Jenny A. Kitchings  
South Carolina Court of Appeals

Date: April 25, 2016

Fax #: 803/734-1839

Pages: 7, including this cover sheet.

From: J. Seth Whipper, Esq. 

Subject: FAX & US MAIL

Re: IN RE Estate of Norman R. Knight, Jr., (deceased), and Estate of Mildred C. Knight, (deceased), and Norman Robert 'Bobby' Knight, III, Plaintiffs,  
Of whom Norman Robert "Bobby" Knight, III is the Appellant,  
v.

Beatrice A. Whitten, as a Special Administrator, and Chloe Knight-Tonney, Respondents,  
Appellate Case No. 2016-000748  
Motion to Request a Transcript out of time – For filing  
Memorandum In Support of Motion to Request Transcript Out of Time – For Filing  
Proof of Service – For Filing

COMMENTS: Hard copy to follow via U.S. MAIL.

The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.