

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM LANCASTER COUNTY
COURT OF COMMON PLEAS

H. CLAYTON WALKER, JR., SPECIAL REFEREE

CASE NO. 2015-002243

Evelyn Lowery, Respondent,

VS.

Eula M. Daniels, Darrell Waiters, Monique Thompson, Phinessa R. Waiters, Pearl Mahjoub, Tommie Lee James, John William James, William C. Waiters, Mary L. Bailey, James C. Bell, William Bailey, Harold Bascomb, Romona Bascomb, Nakia Williams, Nerisse Williams, Carlton McPhaul, Donnell McPhaul, Idell R. Waiters, Ella R. Waiters, Eddie 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, Ronald 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, Janice Dixon, Donald F. Waiters, Rayford J. Waiters, Carolyn McKenny, Larry Waiters, Denise Allen, Kevin Waiters, Ginger Ann Waiters, Harry Waiters, III, Deshone Waiters, Willie W. Addison, Bessie M. Waiters, Linda D. Addison, Angelet Hardin, Irene Sanders, Joseph Coleman, Jr., Wyle 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, Maggie Hall, Jimmy L. Hall, Jr., Marilyn Hall, Lowarren 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, Randy Caskey, Maggie Caskey, Leon Caskey, III, Sharon Harris, Eliza Furgerson, David Hall, Robert Hall, Joseph Hall, Henrietta Hall, Linda Duncan, M. L. Hall, Alvin Hall, Oscar Hall, Jr., Laura Mae Hall, Stanford Hall, Anna Hall, Patricia H. Bentley, Casey Hall, Janie Hall, Janie Douglas, Mary Bradlee, Elizabeth Hall, Teresa Pope, Devron Wright, Dyron 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

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SC Court of Appeals

hereby designated as a class John Doe and Jane Roe,

Of whom Kevin Waiters is the Appellant,

**RESPONDENT'S MOTION TO DESIGNATE RESPONDENTS
AND FOR EXTENSION OF TIME**

The Respondent Evelyn Lowery received the Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal on April 15, 2016, and the Appellant's Amended Designation of Matter to be Included in the Record on Appeal on April 26, 2016.

Upon review of the Proof of Service of the Notice of Appeal, Proof of Service of the Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal, and the Proof of Service of Appellant's Amended Designation of Matter to be Included in the Record on Appeal the Respondent observed that Counsel of Record Ronald Robbins, Attorney for the Defendant John Waiters and John Christopher Mills, Guardian ad Litem have not been served with any of the documents as required by South Carolina Appellate Court Rules 203 and 208. Ronald Robbins and John Christopher Mills are named as Attorneys of Record in the Order of H. Clayton Walker, Jr., Special Referee which is the Order that is the subject of this appeal. Mr. Robbins and Mr. Mills should be designated as Attorneys for Respondents in this appeal and should be served with all documents by Appellant.

Respondent Evelyn Lowery moves that the Court Order that:

- 1) John Waiters and the class John Doe or Jane Roe be designated as Respondents in this appeal and that the Appellant be required to prove service on the attorneys for John Waiters and the class of John Doe or Jane Roe with all documents required to be served by South Carolina Appellate Court Rules 203 and 208; and
- 2) the Respondents' time to reply to the Brief of Appellant be extended until such time as calculated to be proper pursuant to South Carolina Appellate Court Rule 208(a)(2) after all Respondents have been properly served; or
- 3) in the event the Court declines to Order the relief requested hereinabove that the Court grant an extension of thirty (30) days to file Respondent's Brief said extension to be calculated to begin at such time as the Court issues a ruling on this Motion.

May 11, 2016

A handwritten signature in black ink, appearing to read 'M. H. Grier, Jr.', written over a horizontal line.

Marion H. (Mark) Grier, Jr.
Attorney for Respondent Evelyn Lowery
PO Box 1809,
Lancaster, South Carolina 29720
(803) 285-5534

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and any unknown infants or persons under disability or persons in the military service hereby designated as a class John Doe and Jane Roe,

Of whom Kevin Waiters is the Appellant,

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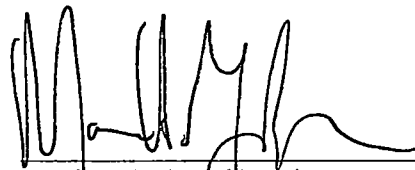
PROOF OF SERVICE

I, Marion H. Grier, Jr., attorney for the Respondent Evelyn Lowery certify that the Respondent's Motion to Designate Respondents and for Extension of Time in the above-captioned matter have been served upon the following by depositing a copy of it in the United States Mail with the proper postage attached thereto on the 11th day of May, 2016, addressed:

M. Rita Metts, Esq.
for Appellant
3531 River Drive
Columbia, SC 29201

Ronald E. Robbins, Esq.
for Defendant John Waiters
Post Office Box 160
Landrum, SC 29256

J. Christopher Mills, Esq.
for Class John Doe and Jane Roe
Post Office Box 8475
Columbia, SC 29202



Marion H. (Mark) Grier, Jr.
Attorney for Respondent Evelyn Lowery
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MARK GRIER

MARION H. GRIER, JR.
ATTORNEY AT LAW
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TELEPHONE (803) 285-5534

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SC Court of Appeals

May 11, 2016

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

Re: Evelyn Lowery, Respondent v. Eula M. Daniels, et. al. (Kevin Waiters, Appellant)
Case No. 2015-002243

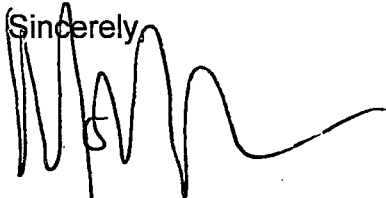
Dear Ms. Kitchings:

Enclosed for filing are the following:

1. The original and (1) copy of the Respondent Evelyn Lowery's Motion to Designate Respondents and for Extension of Time; and
2. The original and (1) copy of the Proof of Service of Respondent Evelyn Lowery's Motion to Designate Respondents and for Extension of Time; and
3. A SASE for the return copies.

Thanking you I am,

Sincerely,



Marion H. (Mark) Grier, Jr.
Attorney for Respondent Evelyn Lowery

Enclosures

cc: M. Rita Metts, Esq.
Ronald E. Robbins, Esq.
J. Christopher Mills, Esq.

MARK GRIER

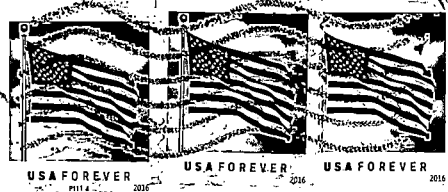
MARION H. GRIER, JR.
ATTORNEY AT LAW

POST OFFICE BOX [REDACTED]
LANCASTER, SC 29721-[REDACTED]

1809

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THE HONORABLE JENNY ABBOT KITCHINGS
CLERK, COURT OF APPEALS
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COLUMBIA, SC 29211

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