

The South Carolina Court of Appeals

In the Matter of the Estate of Reba P. Hinson, Probate
2008-ES-12-297,

Mell Woods, Appellant,

v.

Robert H. Breakfield, as Personal Representative of the
Estate of Reba P. Hinson, Respondent.

Appellate Case No. 2011-191876

ORDER

Respondent has filed a motion to allow the late filing of Respondent's Amended Initial Brief. Respondent's motion is granted.

Respondent has also filed a motion to dismiss, contending Appellant has failed to serve and file a Record on Appeal that complies with the South Carolina Rules of Appellate Procedure. Specifically, Respondent contends the Record on Appeal has an inadequate index, is missing items that were designated by Respondent, and is missing pages from Appellant's deposition transcript and the designated exhibits. In response, Appellant has filed a motion to strike one of the items Respondent designated. After careful consideration, Appellant's motion to strike is denied. Furthermore, Respondent's motion to dismiss is denied; however, Appellant shall serve and file an Amended Record on Appeal within twenty days. First, the Amended Record on Appeal shall include a proper index pursuant to Rule 210(e), SCACR. Second, the Amended Record on Appeal shall include all matters designated by both parties, including Appellant's Motion for Reconsideration dated

March 11, 2011, the order dated December 19, 2011, the missing pages from the deposition transcript, and the designated exhibits from the deposition transcript.


FOR THE COURT

Columbia, South Carolina

cc:
Mell Woods
B. Michael Brackett

FILED
10/26/12 *JKH*