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September 14, 2016

RECEIVED
SEP 16 2016
SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

Re: Estate of James Brown a/k/a James Joseph Brown
Appellate Case No. 2016-001373
Civil Action No.: 2008-CP-02-1647
C/M No.: 2497/1

Dear Ms. Kitchings:

Enclosed please find an original and one (1) copy of Initial Brief of Appellant and Proof of Service and Designation of Matter to be Included in the Record on Appeal and Proof of Service in the above-referenced case. This is the same Initial Brief and Designation of Matter to be Included in the Record on Appeal filed and dated July 28, 2016 by Appellant Terry Brown. Even though Appellant believes the re-filing and re-service is unnecessary based on this Court's August 23, 2016 Order, he hereby refiles and reserves the above mentioned documents due to what appears to be a conflict in Rule 208 when there are multiple orders and multiple transcripts.

Rule 208 requires that an Appellant file the Initial Brief and Designation of Matter to be included in the Record on Appeal either: 1) thirty (30) days after filing the Notice of Appeal if no transcript is ordered; or 2) within thirty (30) days after receipt of the transcript if one is ordered. In this matter before the lower court, two separate Orders were appealed (one from a January 14, 2016 hearing entered March 7, 2016 and one from the May 16, 2016 hearing entered May 31, 2016) that had two separate transcripts. At the time of filing his Notice of Appeal, Appellant was already in possession of the January 14, 2016 transcript, but had to order the May 16, 2016 transcript which was recently received on September 12, 2016. As a result, there appears to be a conflict in Rule 208 when there are multiple orders with multiple transcripts that are appealed and an Appellant is already in possession of one of the transcripts. As a result, Appellant filed the above mentioned documents on July 28, 2016 to comply with Rule 208 which requires such documents to be filed within thirty (30) days of the Notice of Appeal if no transcript is ordered (i.e as it related to the January 14, 2016 hearing with March 7, 2016 entry of order). However, as

The Honorable Jenny Abbott Kitchings

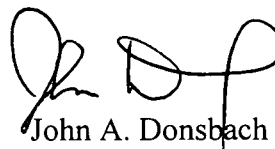
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a transcript was ordered as to the May 16, 2016 hearing, Appellant now refiles and reserves the same Initial Brief and Designation of Matter to be Included in the Record on Appeal dated July 28, 2016 out of an abundance of caution to insure that Rule 208 is complied with relative to the May 16, 2016 Hearing and May 31, 2016 entry of order, which required a transcript to be ordered.

Please file the original and return a time-stamped copy to me in the enclosed self-addressed, stamped envelope. If you have any questions, please feel free to contact me. Thank you.

Sincerely,



John A. Donsbach

JAD

Enclosures

The Honorable Jenny Abbott Kitchings

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cc: William J. Barr, Esq. (w/ encls.)
John F. Beach, Esq. and Lyndey Ritz Zwingelberg, Esq. (w/encls.)
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