

In The Court of Appeals

APPEAL from Court of Common Pleas of CHARLESTON COUNTY

J.C. Nicholson, Circuit Court Judge

**RECEIVED**

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

OCT 25 2016

SC Court of Appeals

In Re: Estate of Norman R. Knight, Jr., (deceased), Estate of Mildred C. Knight, (deceased),  
and Norman Robert 'Bobby' Knight, III, Appellants,

v.

Beatrice E. Whitten, as a special administrator, and Chloe Knight-Tonney, Claimants,  
Respondents,

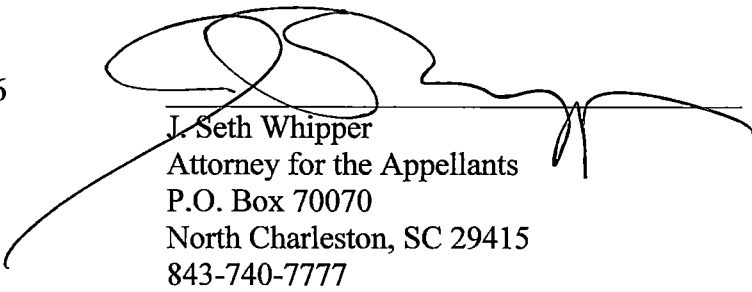
RETURN TO MOTION TO CORRECT RECORD ON APPEAL AND MOTION TO  
SUPPLEMENT THE RECORD ON APPEAL AND TO EXTEND TIME TO FILE FINAL  
BRIEFS

Appellants did not intentionally seek to prevent Respondent Tonney from offering argument on the issues herein. Appellants realized through review of the rules that portions of the Transcripts were preferred. In making that adjustment, Appellants, through oversight, did not recognize that Respondent Tonney had earmarked certain portions of the transcripts for the Record On Appeal. After duplicating the Record On Appeal, appellents bound them and prepared them for delivery to the Court.

In preparing Appellants' Reply briefs, Appellants made reference to portions of the transcripts that were inadvertently omitted from the Record On Appeal, to include a transcript of a hearing held in July, 2013 by Judge Fulp, the trial court. Appellants move to supplement the Record On Appeal with the omitted portions of the transcripts to provide a complete and accurate record of the arguments, issues, and facts in this appeal as set out in the briefs.

In order to facilitate the proper completion of final briefs for all parties, Appellants move to extend the time for filing the final briefs for a 30 days beginning October 26, 2016.

October 22, 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

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Respondents.

MEMORANDUM IN SUPPORT OF THE RETURN TO MOTION TO CORRECT  
RECORD ON APPEAL AND MOTION TO SUPPLEMENT THE RECORD ON APPEAL  
AND TO EXTEND TIME TO FILE FINAL BRIEFS

**DISCUSSION**

Respondent Tonney's motion and the need to add material to the Record On Appeal combined with the need to have accurate and proper reference to the Record on Appeal requires that the additional material has the proper designations to aligned with the Briefs already submitted. SCRCP Rule 15 sets out our fundamental understanding for allowing change in or amendment of legal documents: courts are encouraged to allow leave to freely modify documents when justice so requires and does not prejudice any other party. Further, Rule 15 will allow pleadings to be amended and provides that this will happen "freely when the presentation of the merits of the action will be subserved thereby and the objecting party fails to satisfy the court that the admission of such evidence would prejudice him in maintaining his action or defense upon the merits".

The primary question presented by these motions is, what is the best way to have the

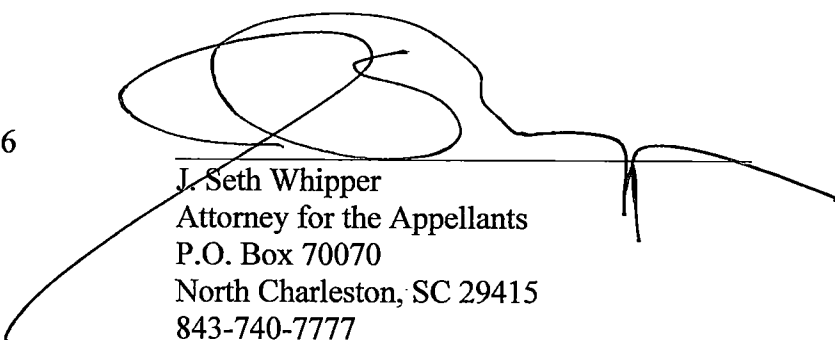
Record On Appeal remain consistent with the Briefs as submitted by the parties. The court and all concerned need to have the proper references and citations in order to weigh the arguments put forward by the all parties.

**CONCLUSION**

Appellants should be allowed to supplement the record and create an accurate body of references and citations for the court and the parties.

Respectfully Submitted,

October 22, 2016



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

PORTIONS OF TRANSCRIPTS TO BE INCLUDED IN RECORD ON APPEALS

**Appellants Reply Briefs**

1. (R.p. 148, tr.p. 396 L. 18-tr.p. 397 L.10).....p.4
2. (R.p. 113: tr.p. 256 L. 14-tr.p. 258 L.2).....p.4
3. (R.p. 148: tr.p. 396 L. 18-tr.p.397 L.10).....p.5
4. (R.p. 122:tr.p. 292 L.2 –tr.p. 295 L.16).....p.6
5. (Tr. 7/17/13:p. 44 L.12- p.45 L. 19).....p.9

**Appellants Reply Brief: (Special Administrator)**

1. (R.p. 412:tr.p.375 L.15-17); (Tr. 7/17/13; p.35 L.20-p 36 L.11).

**Appellants Initial Brief** .....p.5

1. (R.p. 122:tr.p. 293 L. 1-6). .....Correcting R.p 135 to R.p.122.....p.9

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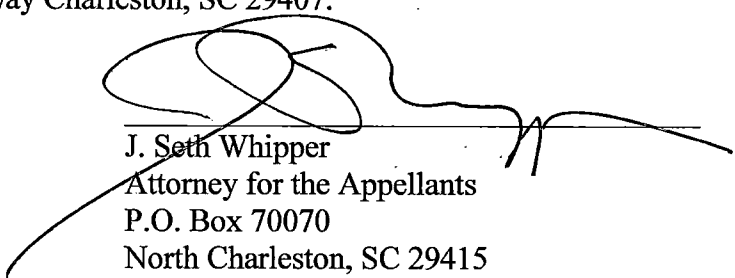
v.

Beatrice E. Whitten, as a special administrator, and Chloe Knight-Tonney, Claimant,  
Respondents,

PROOF OF SERVICE

I certify that I have served the Return To Motion To Correct Record On Appeal And Motion To Supplement The Record On Appeal And To Extend Time To File Final Briefs and Memorandum With Attachment In Support Of The Motion To Correct Record On Appeal And Motion To Supplement The Record On Appeal And To Extend Time To File Final Briefs 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 October 22, 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.

October 22, 2016

  
J. Seth Whipper  
Attorney for the Appellants  
P.O. Box 70070  
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843-740-7777

# WHIPPER LAW FIRM

*Attorneys and Counselors at Law*

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SC Court of Appeals

CHERYL WHIPPER HAMILTON  
J. SETH WHIPPER

MAILING ADDRESS  
POST OFFICE BOX 70070  
NORTH CHARLESTON, SC 29415

October 22, 2016

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

**FAX AND U.S MAIL**

Re: **In Re: Estate of Norman R. Knight, Jr., (deceased), Estate of Mildred C. Knight, (deceased), and Norman Robert 'Bobby' Knight, III, Appellant;**

**v.**

**Beatrice E. Whitten, as a special administrator, and Chloe Knight-Tonney, Claimant, Respondents,**

**Appellate Case No.: 2016-000748**

**Case No.: 2014-CP-10-5355**

**Return To Motion To Correct Record On Appeal and Motion to Supplement The Record On Appeal And To Extend Time To File Final Briefs – For filing Memorandum With Attachment In Support Of The Motion To Correct Record On Appeal And Motion To Supplement The Record On Appeal And To Extend Time To File Final Briefs– For Filing Proof of Service – For Filing**

Dear Ms. Kitchings:

Find enclosed check number **# 9993** in the amount of \$25.00 for filing fee. Also, enclosed for filing are the following documents: Return To Motion To Correct Record On Appeal and Motion to Supplement The Record On Appeal And To Extend Time To File Final Briefs, Memorandum With Attachment In Support Of The Motion To Correct Record On Appeal And Motion To Supplement The Record On Appeal And To Extend Time To File Final Briefs, and Proof of Service in the above case. I have enclosed a self-addressed, stamped envelope for returning the conformed copy.

Because the filing deadline is only (3) three days ago, we are asking immediate consideration noting that the parties have the shared concern.

Thank you for your assistance and cooperation with this matter.

↓

Sincerely,  
WHIPPER LAW FIRM

J. Seth Whipper, Esquire

JSW/lbs  
Enclosures

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

J. Seth Whipper  
Whipper Law Firm  
P.O. BOX 70070  
North Charleston, SC 29415

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

**P**



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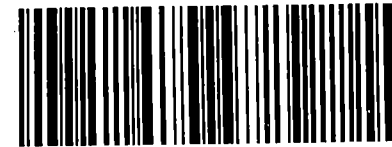
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