

---

**THE STATE OF SOUTH CAROLINA**

**COURT OF APPEALS**

**RECEIVED**

**Case No: 2016 - 000152**

**OCT 28 2016**

**SC Court of Appeals**

---

**Jean Elliott, aka Betty Jean Elliott  
Individually and as Personal  
representative of the estate of  
Ervin W. Elliott.**

**Respondent**

**Vs.**

**Alberto Alvarez, appellant and  
representative appellant for  
Guadalupe Ledesma-Martinez  
and Estella Gutierrez-Garcia.**

**Appellant**

---

**Motion for Revision of Appeal Timeline**

**Pursuant To SCACR - 264(b) and SCRCP - 11**

---

Page (2)

Motion for Revision of Appeal Timeline  
Pursuant to SCACR - 264(b) and  
SCRCP - 11  
Case No: 2016 - 000152

The Appellant does hereby request for revision of schedule for the submission of remaining proceedings to be filed by both the Respondent and Appellant relating to the case noted above. Argument by the Appellant for said revision of schedule is based on the following dialogue herein and in consideration of attached supporting documents.

Dates and proceedings referenced in support of Motion are as follows:

**May 23, 2016:**

Exhibit 1:

Contra to Rule **264 (b), SCACR**, Attorney C. Richard Stewart submits memo to Appellate Court - Clerk of Court's office giving notice that he is no longer representing the Respondent in the referenced civil action. Mr. Stewart informs Clerk of Court that as of the date of notice, May 23, 2016, Attorney David Ross Clarke of Midlothian, VA is to be the Attorney of Record for the Respondent.

Exhibit 2:

On same date, Attorney Clarke submits the First Brief of Respondent to the South Carolina Court of Appeals. Said brief was prepared by Attorney Clarke as documented in the proceeding and ancillary memorandums, all of which carry the signature of Attorney Clarke alone.

**May 27, 2016:**

Exhibit 3:

Attorney Stewart is issued a letter from the Office of The Clerk of Court informing him that he was in violation of Rule 264, SCACR, that he is to remain the Attorney of Record for the Respondent until relieved by order of Court, and that such relief can be granted if requested by form of Motion to be Relieved as Counsel and with court's approval.

Page (3)

**June 13, 2016:**

Exhibit 4:

Motion to be Relieved as Counsel is filed with South Carolina Court of Appeals in proper form.

**July 25, 2016:**

Exhibit 5:

Attorney Stewart is given notice that he has been relieved as Counsel for the Respondent. Henceforth, David Ross Clarke documented to be the Attorney of Record for the Respondent.

The Appellant in argument herein gives reference to **SCRCP - 11 (a): Signature**

Every pleading, motion or other paper of a party represented by an attorney shall be signed in his individual name by at least one attorney of record who is admitted to practice law in South Carolina, and whose address and telephone number shall be stated. Also,

If a pleading, motion or other paper is not signed or does not comply with this Rule, it shall be stricken unless it is signed promptly after the omission is called to the attention of the pleader or movant.

The Brief of Respondent filed by Attorney Clarke has remained to date in original form - sans requisite revisions to validate submission.

As such, referencing Exhibit 2: as of May 23, 2016, Attorney David Ross Clarke was not the Attorney of Record and the Appellant contends that said First Brief of Respondent has yet to be submitted to the Appellate Court accordingly to applicable Rules of Procedure.

Upon first notification of Attorney Stewart's desire to be removed as Counsel of Record with Attorney Clarke to be his replacement and receipt of a Brief of Respondent from an attorney not recognized as Counsel of Record, the Appellant communicated with the Office of The Clerk of Court on two occasions - as documented by Exhibit 6: and Exhibit 7: requesting clarification and direction as to when the Appellant should submit a Reply Brief.

Page (4)

Not until the arrival of Exhibit 8: was the Appellant given response to the inquiries of June 6th and June 17th. Both letters from the Appellant were addressed to the Clerk of Court, were personally delivered and entered into the case record. Subsequent telephone conversations with Clerk of Court staff yielded no definitive information regarding the Appellant's concern with schedule compliance. Said response indicates that Attorney Clarke's Brief of Respondent, for reasons unclear, was to stand.

In response to Exhibit 8: and the order within to proceed with submission of the Appellant's Record on Appeal, the Appellant contacted Mrs. Monica Cassidy to discuss all issues of concern regarding the proper submission of proceedings and resultant impact on schedule demands. Mrs. Cassidy advised the Appellant to communicate all such concerns and comments to the Clerk of Court by form of Motion.

The Appellant does still and has always planned to submit an Appellant Brief Response. The Appellant believes that the arguments provided herein will be found to be accurate, substantive, and hence, the filing of the Brief of Respondent will be designated the next proceeding to be submitted - thus adjusting the existing timeline. Appropriately, after entry of the Brief of Respondent into the record and in compliance with specified time guidelines, the Appellant shall respond with a Response Brief and Record on Appeal.

Additionally, referencing Exhibit 8:, no request for extension of time for submission of a Response Brief has to date been requested by the Appellant. However, a request for 45 day's time and relief to petition the lower court for the audio recordings of the two hearings conducted by the Master in Equity's court was filed in mid-August. This request was related to the Motion for Production of Missing Evidence filed in April of 2016. As per 607 (i), being that transcriptions were prepared, the audio tapes could be erased and reused after 30 days.

Please advise of questions or comments,



Alberto Alvarez  
17 Latham Drive  
Greenville, SC 29617  
864-275-7780  
*Attorney Pro Se*

Date: October 27, 2016

# C. RICHARD STEWART

Exhibit One

Attorney at Law

May 23, 2016

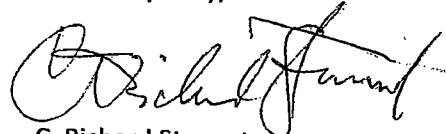
The Honorable Jenny Abbott Kitchings  
Clerk of South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

Re: Elliott vs. Alvarez, et al.; Case Number 2016 – 00 – 0152

Dear Ms. Kitchings:

This will inform the Court that I am not representing Jean P. Elliott in the above appeal. Attorney David Clarke is representing Ms. Elliott in this appeal.

Yours very truly,



C. Richard Stewart

cc: Alberto Alvarez  
David Clarke

Phone:  
(864)235-2019

C. Richard Stewart, Attorney at Law  
11 Whitsett Street Greenville, SC 29601

Email:

May 23, 2016

Mr. Alberto Alvarez  
17 Latham Drive  
Greenville, SC 29617

RECEIVED

JUN 06 2016  
SC Court of Appeals

Re: Elliott vs. Alvarez, et al.

Dear Mr. Alvarez:

Enclosed please find my Initial Respondent's Brief and Designation of Matter. My Mailing address is 3609 Stoney Ridge Trail, Midlothian, VA 23112. I will be representing Ms. Elliott for the rest of her Appeal.

Please send future correspondence concerning this matter to me at the address I provided.

Thank you for your cooperation.

Sincerely,



David R. Clarke, Esq.

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECEIVED

JUN 06 2016

SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Charles B. Simmons, Master in Equity

Case No. 2016-00-0152

Jean P. Elliott, aka Betty Jean Elliott,  
Individually and as Personal Representative  
Of the Estate of Ervin W. Elliott

Respondent

V.

Alberto Alvarez, J. Guadalupe Ledesma-Martinez,  
And Estela Gutierrez-Garcia, of whom Alberto  
Alvarez is the Appellant.

Appellant

INITIAL BRIEF OF THE RESPONDENT

David R. Clarke -SC Bar 7143  
3609 Stoney Ridge Trail  
Midlothian, VA 23112  
804-878-6060  
ATTORNEY FOR THE RESPONDENT

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**  
JUN 06 2016  
SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

Charles B. Simmons, Master in Equity

Case No. 2016-00-0152

Jean P. Elliott, aka Betty Jean Elliott,  
Individually and as Personal Representative  
Of the Estate of Ervin W. Elliott

Respondent

V.

Alberto Alvarez

Appellant

**DESIGNATION OF MATTER**

David R. Clarke - SC Bar 7143  
3609 Stoney Ridge Trail  
Midlothian, VA 23112  
804-878-6060  
ATTORNEY FOR THE RESPONDENT

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

RECEIVED

JUN 06 2016

SC Court of Appeals

APPEAL FROM GREENVILLE COUNTY

Court of Common Pleas

Charles B. Simmons Jr., Master in Equity

Case No. 2016-00-0152

Jean P. Elliott, aka Betty Jean Elliott  
Individually and as Personal Representative  
Of the Estate of Ervin W. Elliott

Respondent

V.

Alberto Alvarez, J. Guadalupe Ledesma-Martinez,  
And Estela Gutierrez-Garcia, of whom Alberto  
Alvarez is the Appellant

Appellant

**PROOF OF SERVICE**

I certify that I served the initial Brief of the Respondent on Alberto Alvarez by depositing  
A copy of it in the United States Mail, postage prepaid, on May 23, 2016, addressed to Appellant  
Of record pro se, Alberto Alvarez, 17 Latham Drive, Greenville, SC 29617.

May 23, 2016



David R. Clarke  
3609 Stoney Ridge Trail  
Midlothian, VA 23112  
804-878-6060



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

May 27, 2016

Mr. C. Richard Stewart, Esquire  
11 Whitsett St.  
Greenville SC 29601

Re: Jean Elliott v. Alberto Alvarez  
Appellate Case No. 2016-000152

Dear Counsel:

We have received your letter dated May 23, 2016 stating that you do not represent the respondent in this appeal. According to Rule 264, SCACR, the attorney in the lower court remains the attorney of record until relieved by order of the Court. If you no longer wish to represent the respondent in this matter, you must file a motion with this Court. Until such motion is filed and granted, you remain listed as counsel of record.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: Alberto Alvarez  
David Ross Clarke, Esquire

IN THE SOUTH CAROLINA COURT OF APPEALS  
CASE NO: 2016-00-0152

RECEIVED

JUN 13 2016

SC Court of Appeals

Jean P. Elliott, aka Betty Jean )  
Elliott, individually and as )  
Personal Representative of the )  
Estate of Ervin W. Elliott, )  
Plaintiff- Respondent, )

Motion to be Relieved as Counsel

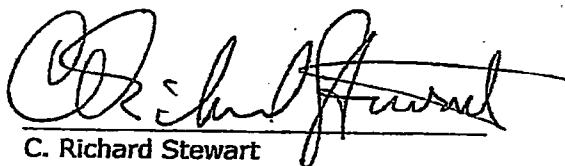
vs. )

Alberto Alvarez, J. Guadalupe )  
Ledésma-Martinez and )  
Estela Gutierrez- Garcia, )  
Defendants' )

Of which )  
Alberto Alvarez is )  
Appellant )

To: Jean P. Elliott, David Ross Clarke and Alberto Alvarez:

YOU WILL PLEASE TAKE NOTICE that the undersigned moves for an Order relieving the undersigned as counsel for the Plaintiff-Respondent, Jean P. Elliott et al. The ground for this motion is that Mrs. Elliott has retained another attorney, David Ross Clarke, to represent her on this appeal and that she consents to Mr. Clarke being substituted as her attorney on this appeal.

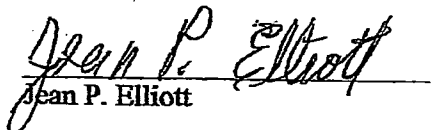


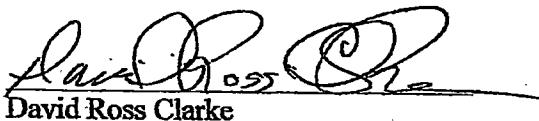
C. Richard Stewart  
11 Whitsett St.  
Greenville, SC 29601  
(864) 235-2019  
SC Bar No: 5346

Greenville, SC

6-8, 2016

We consent:

  
Jean P. Elliott

  
David Ross Clarke

# C. RICHARD STEWART

Attorney at Law

RECEIVED  
JUN 13 2016  
SC Court of Appeals

June 9, 2016

The Honorable Jennie Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

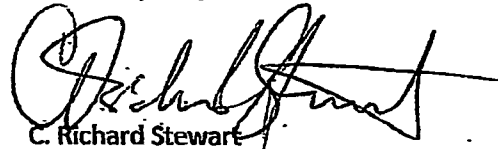
Re: Elliott vs. Alvarez; 2016 – 00 – 0152

Dear Ms. Kitchings:

Please find enclosed originals and one copy each of Motion to be Relieved as Counsel for the Plaintiff – Respondent and an Affidavit of Service by Mail. I have also included a check in the amount of \$25.00 as the filing fee for this motion.

Please file the originals and return the clocked copies to me in the enclosed stamped self-addressed envelope. If anything else is required in order to have this motion considered by the Court, please be so kind as to let me know.

Yours very truly,



C. Richard Stewart

Cc (w/encis): Alberto Alvarez

Phone:  
(864)235-2019

C. Richard Stewart, Attorney at Law  
11 Whitsett Street, Greenville, SC 29601

Email:  
dstewart@attorneyrichardstewart.com

IN THE SOUTH CAROLINA COURT OF APPEALS  
CASE NO: 2016-00-0152

RECEIVED

JUN 13 2016

SC Court of Appeals

Jean P. Elliott, aka Betty Jean )  
Elliott, individually and as )  
Personal Representative of the )  
Estate of Ervin W. Elliott, )  
Plaintiff- Respondent, )

Affidavit of Service by Mail

vs. )

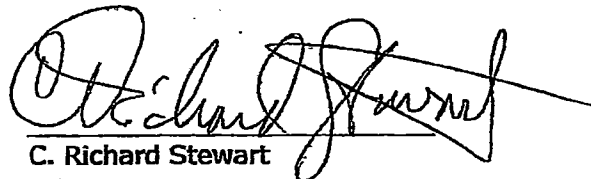
Alberto Alvarez, J. Guadalupe )  
Ledesma-Martinez and )  
Estela Gutierrez- Garcia, )  
Defendants' )

Of which )  
Alberto Alvarez is )  
Appellant )

PERSONALLY appeared before me C. Richard Stewart, who, being duly sworn, says that he served a copy of Motion to be Relieved as Counsel in the United States Mail, on the 9 day of June 2016, with due postage affixed thereto and addressed as follows:

To:

Alberto Alvarez  
17 Lathan Drive  
Greenville, SC 29617

  
C. Richard Stewart

SWORN to me before this  
9 day of June, 2016

NOTARY PUBLIC FOR SOUTH CAROLINA  
My Commission Expires: 11-28-21

C. Richard Stewart  
11 Whitsett St.  
Greenville, SC 29601



**RECEIVED**

JUN 16 2016

The Honorable Jennie Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

11629 8012

# The South Carolina Court of Appeals

Jean P. Elliott, aka Betty Jean Elliott, Individually and as  
Personal Representative of the Estate of Ervin W. Elliott,  
Respondent,

v.

Alberto Alvarez, J. Guadalupe Lededma-Martinez and  
Estrela Gutierrez-Garcia, Defendants,

Of whom Alberto Alvarez is the Appellant.

Appellate Case No. 2016-000152

---

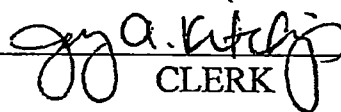
## ORDER

---

The Court has received a motion to be relieved as counsel from C. Richard Detwiler. This motion is granted. The Respondents are now represented by David Ross Clarke.

FOR THE COURT

BY

  
CLERK

Columbia, South Carolina

cc:

Alberto Alvarez

C. Richard Stewart, Esquire

David Ross Clarke, Esquire

**FILED**

July 25, 2016

**South Carolina Court Of Appeals  
Attn: The Honorable Jenny Abbott Kitchings  
PO BOX 11629  
Columbia, SC 29211**

**RECEIVED**  
JUN 06 2016  
SC Court of Appeals

**June 1, 2016**

Reference - Case No: 2016-00-0152 and attached documents

**Subject: Appellant's Response to Brief Of Respondent.**

To The Honorable Jenny Kitchings,

Dear Madame,

It has been brought to my attention, as evidenced in the attached memo from The South Carolina Court Of Appeals, that there appears to have been some disorder in the discontinuation of representation of Mrs. Jean Elliott by her attorney of record - Mr. C. Richard Stewart, Esq and the transfer of said representation of Mrs. Elliott's interests to an alternate attorney, a Mr. David Ross Clark, Esq.

I wish by copy of this letter to ascertain my present understanding of the subject Appellate Case standing and confirm our standing in that as Mr.

(2)

Stewart is still the attorney of record for Mrs. Elliott and as Mr. Stewart has yet to submit a *Brief of Respondent*, we ( The Appellants ) are collectively in a holding pattern regarding additional submissions to the court, i.e. *Reply Brief*, until Mrs. Elliott's legal representation issues have been resolved and a *Brief Of Respondent* has been correctly filed. . Also I wish to confirm that the *Brief Of Respondent* submitted by Mr. Clark is not to be considered actionable.

Having discussed this issue with your staff last Thursday and then Friday, June 3, 2016. I was told to present this letter on Monday, June 6, 2016 in person to obtain a clarification first hand from Mrs. Cassidy or yourself.

Should the confusion, lack of compliance to the formalities requisite for such a transfer of representation that have not been observed by Mr. Stewart nor Mr. Clark have no bearing on the date that the Appellant Response is due, (meaning - due June 6, 2016) I would like to ask for an

(3)

extension of 10 days - or more as the situation demands as I am unclear as to whether there is a valid *Respondent's Brief* to respond to.

As well, I understand that as of the date of this letter, all things requisite for the continuation of our appeal ( Appellants) are otherwise in order on behalf of the Appellants and no deficiency in performance exists. Please, if you will, advise should my summation be errant.

With the Brief of respondent already having been submitted beyond the allowed 30 days without request and grant of an extension given, as well that the complication of the transfer of legal representation for Mrs. Elliott is yet to be formally requested and officially approved by the Appellate Court - also sans any request for time extension for the *Respondents Brief*, I may assume this "holding pattern" per se may remain in effect for Some time yet? Please advise accordingly.

Regardless, as I understand that for this matter under Rule No: 208 of the SCACP, any action taken by the Appellate Court in

(4)

regard to late submissions by the party of the respondent or even manifest failure to respond, unlike as for the Appellant (act of law), it remains of subjective character regarding what decision would be rendered by the Appellate Court as it deems appropriate regarding if this case move forward or if final adjudication of the case would be warranted.

( Subjective - of course - as in all things would be duly considered and said decision rendered which is fair to all and thus not by act of law. )

All said, my question being, beyond the Rules of Civil Procedure available for interpretation, from within your purview, might you have any insight derived perhaps from precedent which you could share as to how this all may unfold given the confounding confluence of recent events?

Please note: with a case number yet to be assigned to it, for future reference, henceforth I will refer to my motion of April, 2016 simply as it was named when submitted, and that is: ***"Motion For Production And Admission Of Evidence To Appellate Proceedings"***.

(5)

To-date I have had little feedback from the Court Of Appeals regarding my additional motion submitted in April for production and/or verification of evidence from the lower court, proof be had, that all exhibits from the lower court are and have been accounted for, and that the transcriptions are complete in their entirety and are difinitively without edits and deletions. Is there any news to be had on this topic??

In closing, I thank you in advance for your kind attention to this letter. Please advise of any questions or comments and I hope confirmation from your office that all things on behalf of the Appellant's case are in order will be forthcoming in short order as well as guidance regarding the timing of an actionable *Respondent's Brief* and Extension as requested.

Respectfully,



Alberto Alvarez  
17 Latham Drive  
Greenville, SC 29617  
*Attorney pro se*

**THE STATE OF SOUTH CAROLINA**

**In The Court Of Appeals**

**RECEIVED**

JUN 06 2016

**Case No: 2016-cp-000152**

**SC Court of Appeals**

**PROOF OF SERVICE**

Jean Elliott, aka Betty Jean Elliott  
, Individually and as Personal  
representative of the estate of  
Ervin W. Elliott.


Respondent

vs.

Alberto Alvarez, appellant and  
representative appellant for  
Guadalupe Ledesma-Martinez  
and Estella Gutierrez-Garcia.

Appellant

I hereby attest in fact that I served a copy of this letter of inquiry related to the above referenced action, upon David R. Clarke, Attorney for Respondent,, at his address of business - 3609 Stoney Ridge Trail, Middleton VA, 23112 - on this day of June 6 \_\_, 2016.

  
Alberto Alvarez  
17 Latham Drive  
864-275-7780  
*Attorney pro se*

**THE STATE OF SOUTH CAROLINA**  
**In The Court Of Appeals**

Case No: 2016-cp-000152

RECEIVED  
JUN 06 2016  
SC Court of Appeals

**PROOF OF SERVICE**

Jean Elliott, aka Betty Jean Elliott  
, Individually and as Personal  
representative of the estate of  
Ervin W. Elliott.

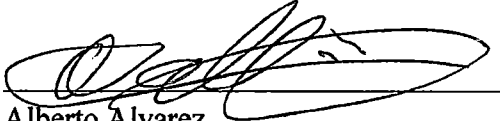
Respondent

vs.

Alberto Alvarez, appellant and  
representative appellant for  
Guadalupe Ledesma-Martinez  
and Estella Gutierrez-Garcia.

Appellant

I hereby attest in fact that I served a copy of this letter of inquiry related to the above referenced action, upon Estella Gutierrez-Garcia and Guadalupe Ledesma-Martinez - Appellants- via The United States Postal Service - postage prepaid - at their last known address of 14 Henderson Street, Greenville, South Carolina, 29611, on this day of June 6\_\_, 2016.

  
Alberto Alvarez  
17 Latham Drive  
864-275-7780  
*Attorney pro se*

6-6-16

**THE STATE OF SOUTH CAROLINA**  
**In The Court Of Appeals**

Case No: 2016-cp-000152

**RECEIVED**  
JUN 06 2016  
SC Court of Appeals

**PROOF OF SERVICE**

Jean Elliott, aka Betty Jean Elliott  
, Individually and as Personal  
representative of the estate of  
Ervin W. Elliott.

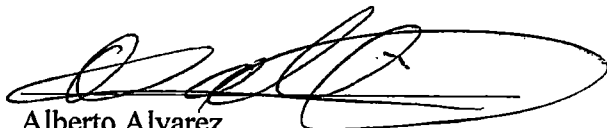
Respondent

vs.

Alberto Alvarez, appellant and  
representative appellant for  
Guadalupe Ledesma-Martinez  
and Estella Gutierrez-Garcia.

Appellant

I hereby attest in fact that I served a copy of this letter of inquiry related to the above referenced action, upon Mrs. Jenny Abbott Kitchings, Clerk Of Court for the South Carolina Court Of Appeals, at her address of business - PO Box 11629, Columbia, South Carolina, 29211 - via United States Postal Service - postage prepaid, on this day of June 6, 2016.



Alberto Alvarez  
17 Latham Drive  
864-275-7780  
*Attorney pro se*

6-6-16

**ALBERTO ALVAREZ**  
**17 LATHAM DRIVE**  
**GREENVILLE, SC 29617**

**June 17, 2016**

**THE STATE OF SOUTH CAROLINA**  
**In The Court Of Appeals**  
**Case No: 2016-cp-000152**

Attn: The Honorable Mrs. Jenny Abbott Kitchings,  
Clerk Of Court for the South Carolina Court Of Appeals

Dear Mrs:Kitchings,

As per the attached documentation from C.Richard Stewart, it appears he is substantially on his way to removing himself as the official Attorney of The Respondent for the above noted case. Given his paperwork is in order, shortly thereafter, I would assume that Mr. Clarke will then be appointed as The Respondent's Attorney once the final touches are completed with Mr. Stewart's request.

Albeit Mr. Clarke took it upon himself to communicate with me regarding his replacing Mr. Stewart in his capacity as Attorney for The Respondent a few weeks ago, I would think that such an appointment, changing of the guard - per se - of The Respondent's Attorney would come to me as an official communication from The Court Of Appeals in lieu of a letter to the fact directly from Mr. Clarke.

The date of Mr. Stewart's application/request is June 9th and at this time I have no information confirming if such issue he raised is at this time closed. I trust as soon as this has been addressed, notification will be forthcoming to the effect, henceforth, Mr. Clarke would assume the helm for Mrs. Elliott.

Mr. Clarke had also submitted a Brief Of Respondent - dated for May 27th as per your web-site dating. In an earlier communication to your office, (June 6th), and earlier by phone speaking with a lady, Stormy, I asked your office regarding this issue, specifically wishing to ensure that this Brief Of Respondent submitted by Mr. Clarke was not actionable and in no way was there a clock ticking away our time to respond with our Final Brief Of Appellant. As per the conversations of my visit to your office on the 6th of June, I understood that progress in regard to

the briefs remaining to be submitted was at this point in suspension as the supplemental Motion For Production Of Missing Evidence was yet to be addressed.

Page - 2

Until said resolution of the supplemental motion, I fail to see how any true substantive argument can be made in all fairness by either Mr. Clarke or myself until there is closure on the issue of missing evidence - which I strongly, completely aver that this is indeed the case. Simple deletions from the transcript are easily evidenced with a simple reading.

As my visit on the 6th of June has not been followed up with any communication from your office, the intent of this letter was simply to serve as a benchmark memo, to ascertain that we collectively are all on the same page and have the same understanding of events forthcoming. These events being, formal notification regarding The Respondent's representation, resolution of the Motion for Evidence, and thus finally, submission of the Brief of Respondent - to which we will have 10 days to respond along with our completed and fully annotated Final Statement Of Matter Of Appeal.

I wish to complement your staff in their competence, excellent service, efforts made to date on this case, and the continued assistance and support they have afforded me in my efforts to advance my cause in this case. As so much information was exchanged during my last visit to your office, I thought it better (I would sleep better) to know my assumptions regarding this case are correct and all that is required or expected of me has been fulfilled to the highest level of satisfaction as per your office and as requisite by process of law - as well that a paper trail to the effect be established - as there is so much in play.

I thank you in advance for your kind attention to this correspondence and look forward to hearing from your office as mentioned above - per topics noted.

Respectfully and most sincerely, I remain,

---

Alberto Alvarez  
*Attorney Pro Se*

**THE STATE OF SOUTH CAROLINA**  
**In The Court Of Appeals**

---

**Case No: 2016-cp-000152**

---

**PROOF OF SERVICE**

---

Jean Elliott, aka Betty Jean Elliott  
, Individually and as Personal  
representative of the estate of  
Ervin W. Elliott.

Respondent

vs.

Alberto Alvarez, appellant and  
representative appellant for  
Guadalupe Ledesma-Martinez  
and Estella Gutierrez-Garcia.

Appellant

---

I hereby attest in fact that I served a copy of this letter of inquiry related to the above referenced action, upon Mrs. Jenny Abbott Kitchings, Clerk Of Court for the South Carolina Court Of Appeals, at her address of business - PO Box 11629, Columbia, South Carolina, 29211 - via United States Postal Service - postage prepaid, on this day of June 17 \_\_, 2016.

---

---

Alberto Alvarez  
17 Latham Drive  
864-275-7780  
*Attorney pro se*

**THE STATE OF SOUTH CAROLINA**  
**In The Court Of Appeals**

---

**Case No: 2016-cp-000152**

---

**PROOF OF SERVICE**

---

Jean Elliott, aka Betty Jean Elliott  
, Individually and as Personal  
representative of the estate of  
Ervin W. Elliott.

Respondent

vs.

Alberto Alvarez, appellant and  
representative appellant for  
Guadalupe Ledesma-Martinez  
and Estella Gutierrez-Garcia.

Appellant

---

I hereby attest in fact that I served a copy of this letter of inquiry related to the above referenced action, upon David R. Clarke Esq. Attorney for Respondent,, at his address of business - 3609 Stoney Ridge Trail, Middleton VA, 23112 - By the United States Postal Service, postage prepaid - on this day of June 17\_\_, 2016.

---

---

Alberto Alvarez  
17 Latham Drive  
864-275-7780  
*Attorney pro se*

**THE STATE OF SOUTH CAROLINA**  
**In The Court Of Appeals**

---

**Case No: 2016-cp-000152**

---

**PROOF OF SERVICE**

---

Jean Elliott, aka Betty Jean Elliott  
, Individually and as Personal  
representative of the estate of  
Ervin W. Elliott.

Respondent

vs.

Alberto Alvarez, appellant and  
representative appellant for  
Guadalupe Ledesma-Martinez  
and Estella Gutierrez-Garcia.

Appellant

---

I hereby attest in fact that I served a copy of this letter of inquiry related to the above referenced action, upon Estella Gutierrez-Garcia and Guadalupe Ledesma-Martinez - Appellants- via The United States Postal Service - postage prepaid - at their last known address of 14 Henderson Street, Greenville, South Carolina, 29611, on this day of June 17 \_\_, 2016.

---

---

Alberto Alvarez  
17 Latham Drive  
864-275-7780  
*Attorney pro se*

# The South Carolina Court of Appeals

Jean P. Elliott, aka Betty Jean Elliott, Individually and as  
Personal Representative of the Estate of Ervin W. Elliott,  
Respondent,

v.

Alberto Alvarez, J. Guadalupe Lededma-Martinez and  
Estrela Gutierrez-Garcia, Defendants,

Of whom Alberto Alvarez is the Appellant.

Appellate Case No. 2016-000152

---

## ORDER

---

Appellant's "request for an extension of due date of response to order" is denied. We note that Appellant did not timely serve and file an initial reply brief. *See* Rule 208(a)(3), SCACR (providing that if a reply brief is prepared, it shall be served and filed within ten days of service of the respondent's brief). Accordingly, Appellant shall serve the record on appeal within thirty days of this order. *See* Rule 210, SCACR (providing the appellant shall serve the record on appeal within thirty days of service of the last brief).

  
FOR THE COURT

Columbia, South Carolina

**FILED**

September 29, 2016

cc:

Alberto Alvarez

David Ross Clarke, Esquire

**THE STATE OF SOUTH CAROLINA**

**In The Court Of Appeals**

**RECEIVED**

**Case No: 2016-cp-000152**

OCT 28 2016

SC Court of Appeals

**PROOF OF SERVICE**

Jean Elliott, aka Betty Jean Elliott  
Individually and as Personal  
representative of the estate of  
Ervin W. Elliott.

Respondent

vs.

Alberto Alvarez, appellant and  
representative appellant for  
Guadalupe Ledesma-Martinez  
and Estella Gutierrez-Garcia.

Appellant

I hereby attest in fact that I served a copy of this Motion For Revision of Appeal Timeline Pursuant To SCACR - 264(b) and SCRPC - 11, as related to the above referenced action upon The Office of the Clerk Of Court for the South Carolina Court Of Appeals - Personally at their address of business - 1220 Senate Street, Columbia SC, 29201, on this day of October 27 2016.



Alberto Alvarez  
17 Latham Drive  
864-275-7780  
*Attorney pro se*

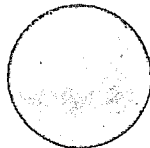
ALBERTO ALVAREZ  
(864) 275-7780  
17 LATHAM DR  
GREENVILLE SC 29617

*Handwritten signature and scribbles*

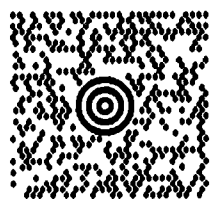
1.9 LBS LTR 1 0

SHP WT: 2 LBS  
DATE: 27 OCT 2016

SHIP TO: CLERK OF COURT  
SOUTH CAROLINA COURT OF APPEALS  
1220 SENATE ST



COLUMBIA SC 29201-3769



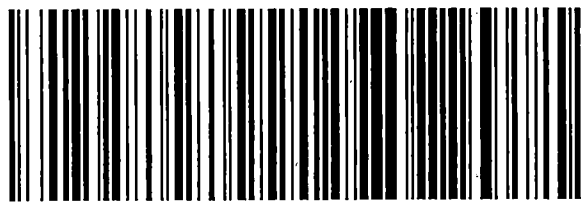
SC 292 9-01



UPS NEXT DAY AIR EARLY

1+

TRACKING #: 1Z 5F0 F00 15 6248 5798



P/P



UPS Next Day Air Early

UPS Next Day Air Early

UPS Next Day Air Early

UPS Next Day Air Early

UPS Next Day Air Early

UPS Next Day Air Early

UPS Next Day Air Early

UPS Next Day Air Early

U

UPS Next Day Air Early

arly

press Envelope