

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,

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DEC 20 2016

SC Court of Appeals

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

hereby designated as a class John Doe and Jane Roe,
Of whom Kevin Waiters is the Appellant,

**RESPONDENT'S MOTION TO REQUIRE CONFORMITY OF RECORD ON APPEAL
AND FOR EXTENSION OF TIME TO FILE FINAL BRIEF**

The Respondent Evelyn Lowery received service of the Record on Appeal on November 28, 2016 in the envelope attached hereto and marked as Exhibit A. That envelope was not postmarked.

~~The Record of Appeal does not conform to Appellate Court Rules 209 and 210 in that it~~
does not include documents set forth in Respondent's Designation of Matter To Be Included In the Record On Appeal. Items not included in the Record on Appeal that were designated by Respondent are as follows:

Second Amended Complaint
Order filed November 28, 2005
Order filed April 19, 2010
Order filed April 4, 2012
Interim Order filed November 24, 2014
Affidavit of Publication

Also, Respondent is uncertain whether Defendant's Exhibit 4 is included in the Record On Appeal in that the page that would be page 167 is blank and unnumbered in Respondent's copy and that page would be the page corresponding to Defendant's Exhibit 4 as inferred by the sequence of the prior and subsequent Exhibits.

Respondent Evelyn Lowery moves that the Court Order that:

- 1) the Appellant conform the Record On Appeal to include all matters set forth in Respondent's Designation of Matter To Be Included In the Record On Appeal; and
- 2) the Respondent's time to file Respondent's Final Brief be extended to allow the Respondent time to file Respondent's Final Brief pursuant to Appellate Court Rule 211 after being served with a Record On Appeal that includes all documents set forth in Respondent's Designation of Matter To Be Included In the Record On Appeal.

December 16, 2016



Marion M. (Mark) Grier, Jr.
Attorney for Respondent Evelyn Lowery
PO Box 1809
Lancaster, South Carolina 29721
(803) 289-0241

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,

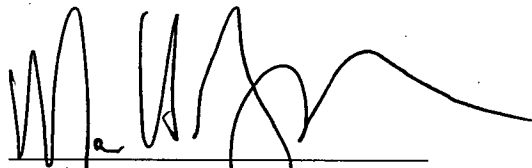
APPELLATE CASE NO. 2015-002243

PROOF OF SERVICE

I, Marion H. Grier, Jr., attorney for the Respondent Evelyn Lowery certify that the Respondent's Motion to Require Conformity of Record On Appeal and For Extension of Time To File Final Brief in the above-captioned matter has been served upon the following by depositing a copy of it in the United States Mail with the proper postage attached thereto on the 16th day of December, 2016, addressed:

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

12/16/2016



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

MARK GRIER

MARION H. GRIER, JR.
ATTORNEY AT LAW
POST OFFICE BOX 1809
LANCASTER, SOUTH CAROLINA 29721
TELEPHONE (803) 285-5534

December 16, 2016

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

DEC 20 2016

SC Court of Appeals

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 Require Conformity of Record On Appeal and for Extension of Time; and
2. Proof of Service of Respondent Evelyn Lowery's Motion to Require Conformity of Record On Appeal and for Extension of Time; and
3. A SASE for the return copy.

Thanking you I am,

Sincerely,



Mark Grier
Attorney for Respondent Evelyn Lowery

Enclosures

cc: M. Rita Metts, Esq

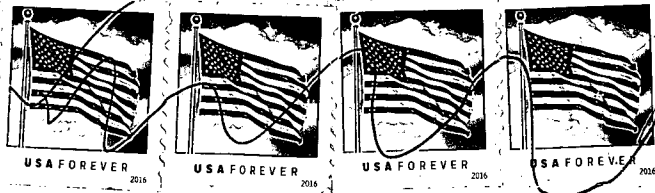
J

MARION H. GRIER
PO BOX 1809
LANCASTER, SC
29721

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SC Court of Appeals



THE HONORABLE JENNY ABBOY KITCHINGS
CLERK, COURT OF APPEALS
POST OFFICE BOX 11629
COLUMBIA, SC 29211