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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SALUDA COUNTY
In The Circuit Court

Jocelyn Newman, Circuit Court Judge

C.A. No.: 2015-CP-41-139

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FEB 03 2017

SC Court of Appeals

Amy Potts.....Respondent.

v.

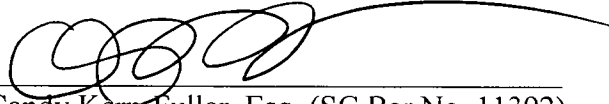
McCarty Enterprises, LLC, John Miles McCarty, Audrey S. McCarty, a/k/a Audrey J. McCarty and Jane DoeAppellants.

**MOTION FOR EXTENSION OF TIME
TO FILE APPELLANT'S INITIAL BRIEF**

The appellants, McCarty Enterprises, LLC, John Miles McCarty, Audrey S. McCarty, a/k/a Audrey J. McCarty and Jane Doe, by and through their undersigned Counsel, hereby move before the South Carolina Court of Appeals, pursuant to South Carolina Appellate Court Rule 240 for an extension of time until April 17, 2017 in which to file Appellants' Initial Brief.

The undersigned had extensive surgery on January 26, 2017 and already had court protection from Saluda County regarding this case as a result of the impending surgery through March 17, 2017. (See attached Exhibit A). The undersigned would respectfully request that the Appellant's Initial Brief be due 30 days after she returns to her practice after such surgery.

The undersigned consulted with Counsel for Respondent, Frank Potts, Esq., regarding the need for the extension on January 4, 2017, but Mr. Potts would not consent to the extension and further efforts to consult on such matters would not be useful.



Candy Kern-Fuller, Esq. (SC Bar No. 11392)

UPSTATE LAW GROUP, LLC

200 E. Main Street

Easley, SC 29640

864-855-3114

864-855-3446 (Facsimile)

Candy@UpstateLawGroup.com

ATTORNEY FOR APPELLANT

January 31, 2017

EXHIBIT

A



FAX MEMORANDUM/COVER SHEET

PROTECTION GRANTED

TO: Candy M. Kern-Fuller, Esquire
FAX NO.: 864-855-3446
FROM: William P. Keesley, Adm. Judge for the 11th Circuit Court of Common Pleas
RE: Protection request for January 16, 2017 through March 17, 2017
for the Court Common Pleas SALUDA COUNTY
DATE: January 4, 2017

TOTAL NUMBER OF PAGES BEING FAXED INCLUDING MEMO: 1

MESSAGE: This is a form response to your request for protection for the above-noted dates. Your request is granted. I will notify the Clerk of Court, **BUT IT IS YOUR RESPONSIBILITY TO NOTIFY ANY OPPOSING ATTORNEYS OR PRO SE LITIGANTS, AS WELL AS ANY WITNESSES WHO MAY BE UNDER YOUR SUBPOENA.** Thank you.

cc: Hon. Sherri C. Coleman, Clerk of Court Saluda County Fax No.: 864-445-3772

P.S. If you need protection for General Sessions, you need to contact Judge Eugene C. Griffith, Jr. office. [wpk]

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J. McCarty and Jane DoeAppellants.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal and Motion for Extension of Time to File Initial Brief on Amy Potts, by depositing a copy of it in an envelope via the United States Mail, Certified Mail, Return Receipt Requested, with proper postage affixed thereto, on January 31, 2017, addressed to her attorneys of record:

Mr. Frank S. Potts
State Fiscal Accountability Authority
1201 Main Street
Suite 350 (Capitol Center)
Columbia, SC 29201

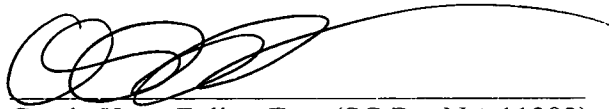
Mr. Michael Evan Lacke
Lacke Law Firm, LLC
147 Wappoo Creek Dr., Ste. 204
Charleston, SC 29412

And the Clerk for the Court of Appeals:

The Honorable Jenny Abbott Kitchings
Clerk of Court of the Court of Appeals
P.O. Box 11629
Columbia, SC 29211

And the Clerk of Court for Saluda County:

The Honorable Doris B. Holmes
Saluda County Courthouse
100 E Church St, Ste 6
Saluda, SC 29138-1444



Candy Kern-Fuller, Esq. (SC Bar No. 11392)

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864-855-3446 (Fascimile)

Candy@UpstateLawGroup.com

ATTORNEY FOR APPELLANT

January 31, 2017



Candy M. Kern-Fuller, Esq.
Managing Partner
Howard E. Sutter, III, Esq.
Partner
Sarah M. Gable, Esq.

200 EAST MAIN STREET
EASLEY, SOUTH CAROLINA 29640

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864.855.3114 (ph) • 864.855.3446 (fax)

FORM 8

LETTER TO THE APPELLATE COURT CLERK
FILING THE NOTICE OF APPEAL

January 31, 2017

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FEB 03 2017

SC Court of Appeals

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

RE: Amy Potts v. McCarty Enterprises, LLC, John Miles McCarty, Audrey S. McCarty
a/k/a Audrey J. McCarty, and Jane Doe, Case No.: 2015-CP-41-139

Dear Ms. Kitchings:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondent[s].
- (2) A copy of the judgments which is are to be challenged on appeal.
- (3) A filing fee of \$125.00.
- [(4) This appeal is being filed with the Court pursuant to S.C. Code Ann. 14-3-330(2).

Sincerely,
s/ Candy M. Kern-Fuller, Esq.
Candy M. Kern-Fuller
Upstate Law Group
200 E. Main Street
Easley, SC 29640
(864) 855-3114

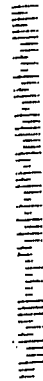
cc: Saluda County Circuit Court
Frank Potts
Michael Evan Lacke

Christiana Coleman
Upstate Law Group
200 E. Main Street
Easley, SC 29640

PLEASE AT TOP OF ENVELOPE TO THE FRONT
OF THE RETURN ADDRESS FOLD IN DOTTED LINE
CERTIFIED MAIL



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The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
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Columbia SC 29211-1629

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SC Court of Appeals

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REQUIRED