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CARSON J. ASKINS

April 18, 2017

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

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APR 19 2017

SC Court of Appeals

Re: The Estate of Joseph Smith
Appellate Case No. 2016-002443

Dear Ms. Kitchings:

On behalf of the Respondent, Joseph Keith Ray, we renew our motion to dismiss the appeal pursuant to South Carolina Appellate Court Rule 208(A)(4) to rely on the contents of the motion and the memorandum supporting the motion. In addition, I call your attention to the letter of Steven S. McKenzie, attorney for the appellant dated March 27, 2017, wherein he cites South Carolina Appellate Rule 207(a)(5) which in effect works against his argument in that it was up to him to notify the office of the court administration, the clerk of the Appellate Court and the court reporter in writing within ten (10) days after the initial sixty (60) days after allegedly not hearing from the court reporter. I refer you back to the affidavit of the court reporter attached to our motion. This appeal should be dismissed for failure of appellant to adhere to the rules.

Respectfully submitted,



Joseph Keith Ray – Respondent
By Gregory B. Askins and
William M. O'Bryan, Jr.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM COUNTY OF WILLIAMSBURG
W. Haigh Porter, Circuit Court Judge

THE ESTATE OF JOSEPH SMITH,
a/k/a J. S. Smith, Jr. By Its Personal
representatives, Geneva S. Hall,
and Joseph Keith Ray,

Respondent,

v.

Case No. 2010-CP-45-393

Appellate Case No. 2016-002443

PATRICK S. SMITH, SANDRA B. SMITH,
THOMAS LEWIS SMITH, ELIZABETH S.
KAPPELER, GLORIA DARLENE HALL SMITH,
COURTNEY ELIZABETH SMITH, TIFFANY
ELAINE SMITH, JOSEPH SAMPSON SMITH, IV,
CHARLES RICHARD RAY, JR., JOHN DOE,
JAN DOE, et. al.,

Appellant.

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SC Court of Appeals

PROOF OF SERVICE

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Counsel for Respondent

I hereby certify that:

(1) I have filed an original and six (6) copies of the forgoing letter dated April 17, 2017, to rebut the letter filed by the appellant's attorney, Steven S. McKenzie, dated March 27, 2017, and April 12, 2017, to the Clerk of the South Carolina Court of Appeals by depositing them in the United States Mail, postage prepaid, on April 18, 2017; and

(2) I have served the same rebuttal letter to all parties by depositing a copy of the letter in the United States Mail, postage prepaid, on April 18, 2017, addressed to each of the following:

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SC Court of Appeals

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