

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENWOOD COUNTY
Hon. Curtis Clark, Special Referee
Pursuant to a Final Order issued in 2014-CP-35-10

Appellate Case No. 2016-002549

Catherine Lyons,

Appellant,

v.

Gregory Lyons,

Respondent.


RECEIVED

APR 28 2017

SC Court of Appeals

**RETURN TO MOTION FOR LEAVE OF COURT TO FILE A MOTION PURSUANT
TO S.C. CODE OF CIVIL PROCEDURE RULE 60(b)(1) and/or (2) TO SEEK RELIEF
FROM THE FINAL JUDGMENT**

Respectfully Submitted,



Wm. Thurmond Bishop (SC Bar 704)
200 E. Pinckney Street
Abbeville, SC 29620
(864) 366-7680
Attorney for Respondent

April 26, 2017

NOW INTO COURT, comes the Respondent, Gregory Lyons, pursuant to Rules 240(c) and (e), SCACR, who opposes the relief requested by Appellant for the following reasons:

All of the audiotape recordings are not deficient and Respondent is of the belief that the parties can easily stipulate the relevant parts of what may be missing and arrive at a record adequate and sufficient for the pending appeal. In fact, the parties should be forced to stipulate, otherwise Appellant gets another bite at the apple. This is a simple case wherein the Appellant contends that her signature was forged by Respondent regarding an earlier transfer of title to real property owned by her to him.

The Appellant is an elderly woman who is not in good health who along with her son and a witness for Respondent traveled to the non-jury trial in Greenwood, South Carolina, from Chicago, Illinois, on July 16, 2016. The Respondent lives in the State of Florida and traveled to this trial along with other witnesses who reside outside of the South Carolina and outside the County of Greenwood. Because of the hardship and costs in retrying this case, Respondent is of the belief that every effort should be made and can be made by the parties to stipulate the record and allow this appeal to continue.

WHEREFORE, the Respondent, Gregory Lyons, prays that this Court deny Appellant's Motion and require the parties to put forth their best effort to construct by stipulation a record sufficient for this appeal.

Respectfully Submitted,



Wm. Thurmond Bishop (SC Bar 704)

Attorney for Respondent

200 E. Pinckney Street

Abbeville, SC 29620

Ph. (864) 366-7680

Fax (864) 366-7681

Email: bishoplaw@wctel.net

April 26, 2017
Abbeville, South Carolina

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CERTIFICATE OF SERVICE

I certify that on this date, April 26, 2017, I served a copy of Respondent's Return to Motion for Leave of Court to File a Motion Pursuant to S.C. Code of Civil Procedure Rule 60(b)(1) and/or (2) to Seek Relief from the Final Judgment, and the Certificate of Service on counsel of record by mailing it to them to their addresses and by depositing it in the U.S. Mail in an envelope with sufficient postage attached.

Respectfully Submitted,



Wm. Thurmond Bishop (SC Bar 704)
200 E. Pinckney Street
Abbeville, SC 29620
(864) 366-7680
Attorney for Respondent

April 26, 2017

**WM. THURMOND BISHOP
ATTORNEY AT LAW**

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April 26, 2017

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

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SC Court of Appeals

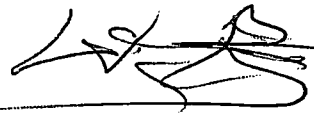
RE: Catherine Lyons v. Gregory Lyons
Appellate Case No: 2016-002549

Dear Madam Clerk:

Enclosed please find original and six (6) copies of Respondent's Return to Motion for Leave of Court to File a Motion Pursuant to S.C. Code of Civil Procedure Rule 60(b)(1) and/or (2) to Seek Relief from the Final Judgment along with a Certificate of Service.

If any additional information is needed, do not hesitate to write or call.

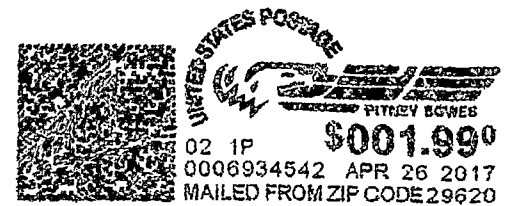
Very truly yours,



Wm. Thurmond Bishop

WTB/jab
Enclosures

cc: Scarlet B. Moore
Anne Marie Hempy



Wm. Thurmond Bishop
200 E. Pinckney Street
Abbeville, SC 29620

TO:

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

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