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JUN 29 2017

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

Clyde N. Davis, Special Referee for 11th Judicial Circuit

Appellate Case No.: 2016-002298

Jolene J Marchant and Larry C. Marchant, Sr., Appellants,

v.

Melissa J. McDaniel, John F. McDaniel III,
Tara Dickerson, and Brandi M Augustine, Respondents.

MOTION REQUESTING REHEARING OF ORDER TO DISMISS MATTER FOR FAILURE
TO SERVE RECORD OF APPEAL AND FILE PROOF OF SERVICE AS SET FORTH BY
RULE 210 OF THE SOUTH CAROLINA APPELLATE COURT RULES

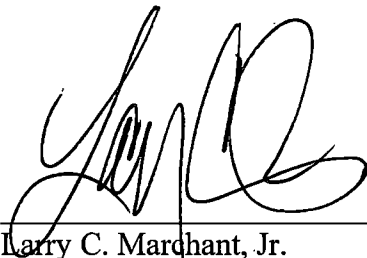
The undersigned would respectfully request this Honorable Court to grant a rehearing of the Court's Order to dismiss matter for failure to serve record of appeal and file proof of service as set forth under rule 210, SCACR.

Respondents filed their corrected Initial Brief on May 8, 2017 and served Appellants via U.S. Mail. Appellants served Respondents with Record of Appeal on June 26, 2017, and filed Proof of Service with the Court on June 27, 2017.

Undersigned attorney had a family emergency that required out-of-state travel for three days, and an unusually heavy court workload during the previous three weeks resulting in a calendar error. Upon the discovery of the error on June 26, undersigned attorney immediately served Appellants with Record of Appeal by US Mail. Undersigned attorney attempted to file proof of

service with the Court but was just a few minutes late, and filed the proof of service the following morning, June 27, along with a Motion to allow the Record of Appeal to be served outside the filing deadline under Rule 210, SCACR. Undersigned attorney received the Court's Order dismissing matter several hours later by US Mail postal carrier.

Undersigned attorney accepts full responsibility and prays the Court will allow a rehearing of his error that has resulted in the dismissal of this matter, and asks this Honorable Court to allow the Record of Appeal to be served outside the filing deadline under Rule 210, SCACR. Should this Court grant the request, the undersigned attorney will not be late in any future filings regardless of the circumstances. Any further unexpected family emergencies, or any other issues involving the undersigned attorney's time, and the calendar error have been corrected with additional staff oversight.



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ATTORNEY FOR APPELLANTS

June 29, 2017
Columbia, South Carolina

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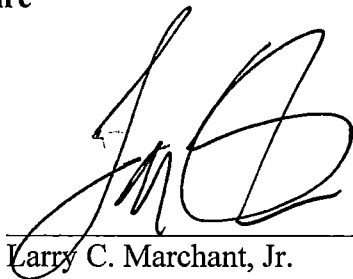
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Tara Dickerson, and Brandi M Augustine, Respondents.

PROOF OF SERVICE

I certify that I served the Motion Requesting Rehearing of Order to Dismiss Matter for Failure to Serve Record of Appeal as set forth by Rule 210, SCACR, by depositing a copy of it in the United States Mail, postage prepaid, on June 29, 2017, addressed to its attorney of record as follows:

James Randall Davis, Esquire
140 East Main Street
Lexington, SC 29072



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Columbia, South Carolina