

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge

Appellate Case No. 2015-002417

In Re: The Estate of James Brown a/k/a James Joseph Brown,

Tommie Rae Brown..... Petitioner below,

v.

David C. Sojourner, Jr., in his capacity
as Limited Special Administrator and
Limited Special Trustee, Deanna Brown-Thomas,
Yamma Brown, Venisha
Brown, Larry Brown, Terry Brown and
Daryl Brown..... Respondents below,

RECEIVED

JUN 22 2017

SC Court of Appeals

Of which Deanna Brown-Thomas, Yamma Brown, Venisha
Brown are the Appellants,

and

Tommie Ray Brown is the Respondent.

MOTION TO ACCEPT LATE SERVICE

Appellants Deanna Brown-Thomas, Dr. Yamma Brown, and Venisha Brown (“Appellants”), for the reasons that follow, hereby respectfully move this Court to accept inadvertent late service of the Record on Appeal on co-appellants Michael Deon Brown and Daryl Brown.

Appellants' late service on these co-appellants was unintentional and a result of a good faith error that was remedied as soon as it was discovered. On April 13, 2017, this Court entered an Order requiring Appellants to serve the Record on Appeal on all required parties no later than June 12, 2017. Prior to that Order, Appellants had already served the Record on Appeal on who they believed were all required parties as of April 10, 2017. On June 5, 2017, Appellants served a corrected copy of the Record on Appeal on who they believed were all required parties.¹ On June 5, 2017 at all times until June 21, 2017, Appellants believed they had complied with this Court's April 13, 2017 Order.

On June 21, 2017, Appellants discovered that they had unintentionally omitted a required party from service of the Record on Appeal. Co-appellants Michael Deon Brown and Daryl Brown each filed an identical brief simply incorporating the brief of appellant David C. Sojourner, Jr., as Limited Special Administrator and Limited Trustee, or, in the alternative, the brief of appellant Terry Brown, pursuant to Rule 208(6), SCACR. There are no citations within either brief, so there will be no references to the Record on Appeal. Immediately upon discovery of this oversight, Appellants prepared two additional copies of the Record on Appeal, and service of the Record on Appeal upon co-appellants Michael Deon Brown and Daryl Brown was completed the morning of the date of this Motion, June 22, 2017. A Proof of Service is attached hereto as Exhibit "A".

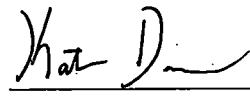
Because Appellants attempted in good faith to comply with this Court's April 13, 2017 Order, because Appellants' delayed service upon co-appellants Michael Deon Brown and Daryl Brown was a result of inadvertence, and because the delayed service

¹ After their service of the Record on Appeal, Appellants were notified that they had been provided with an incomplete copy of a designated document and had included the incomplete copy of the designated document in the Record on Appeal.

has not prejudiced any party, Appellants respectfully request that this Court accept late service of the Record on Appeal.

June 22, 2017

Respectfully submitted,

 for Robert C. Byrd

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Yamma Brown, Venisha
Brown, Larry Brown, Terry Brown and
Daryl Brown..... Respondents below,

Of which Deanna Brown-Thomas, Yamma Brown, Venisha
Brown are the Appellants,

and

Tommie Ray Brown is the Respondent.

PROOF OF SERVICE

The undersigned hereby certifies that on June 22, 2017 s/he has caused a copy of the Motion to Accept Late Service to be served upon all parties of record by mailing a copy of the Motion to Accept Late Service addressed as follows:

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Spartanburg, SC

June 22, 2017

VIA HAND DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

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SC Court of Appeals

Re: In Re: *The Estate of James Brown a/k/a James Joseph Brown, Tommie Rae Brown v. David C. Sojourner, Jr., et al.*
Appellate Case No. 2015-002417

Dear Mrs. Kitchings:

Enclosed for filing please find an original and seven (7) copies of the following in the above-referenced appeal:

1. Motion to Relieve as Counsel [with Certificate of Service]; and
2. Motion to Accept Late Service [with Certificate of Service].

Please return a filed-stamped copy of each of the documents with our courier.

By copy of this letter, we are serving all parties of record who have filed briefs in this matter with a copy of the same. Should you have any questions, please do not hesitate to contact me.

With kindest regards, I am

Sincerely,

Katon E. Dawson, Jr.

KED:kxl
Enclosures

cc w/enc.: All Counsel of Record

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