

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

R. Lawton McIntosh, Judge

Appellate Case No. 2017-001330

Kenji Kilgore,

Appellant,

v.

Estate of Samuel Joe Dixon, Samuel Joe Dixon,
and Fredda Dixon

Appellee.

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JUL 20 2017

SC Court of Appeals

MOTION TO FILE OUT OF TIME TO ORDER
TRANSCRIPT FROM COURT REPORTER

Appellant respectfully request this Honorable Court to allow him to file outside of time to order transcript from the court reporter. Due to the confusion with a pending case involving the same party, Appellant mistakenly believed that said transcript was already in counsel's possession. Realizing the shortcoming, Appellant prepared to order the transcript from the Court Reporter. Appellant counsel had some difficulty ordering the transcript, as the hearing for which the transcript is required has been initially re-scheduled. On July 7, 2017, Appellant sent Ms. Vivian Cross, a letter requesting for a transcript for the abovementioned case, but unfortunately failed to furnish this Honorable Court.

July 17, 2017



Donald L. Smith (Bar #: 6699)
Attorney for Appellant
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Anderson SC 29621
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**FORM 7
PROOF OF SERVICE**

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PROOF OF SERVICE

I certify that I have served Motion for Rehearing of the Order Dismissing Appeal, Motion for Leave to File Out of Time To Order Transcript from Court Reporter and Proof of Service for same upon The Honorable Jenny Abbott Kitchings, Clerk of Court South Carolina Court of Appeals, at PO Box 11629, Columbia SC 29211, The Honorable Richard A. Shirley, Clerk of Court for Anderson County at Post Office Box 8002, Anderson, South Carolina 29622, the Respondents, by and through their counsel of record, Robert E. Davis, Esquire at Ward Law Firm, PA, 233 S. Pine St., Spartanburg, SC 29301, and the Office of Court Administration 1220 Senate Street, Suite 200, Columbia, SC 29201, by depositing a copy of the same in the United States Mail, postage prepaid, on July 17, 2017.

July 17, 2017



Donald L. Smith, Esquire
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FORM 8
LETTER TO APPELLATE CLERK OF COURT
FILING MOTION FOR REHEARING AND MOTION FOR LEAVE TO FILE
OUT OF TIME TO ORDER TRANSCRIPT FROM COURT REPORTER

July 17, 2017

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

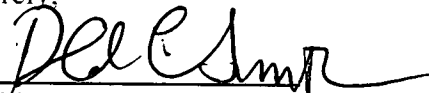
**RE: Kenji Kilgore v. Estate of Samuel Joe Dixon, Samuel E. Dixon and
Fredda Dixon**
Case No.: 2015-CP-04-1605

Dear Honorable Kitchings:

Please find enclosed the following materials for filing:

- 1) Appellant's Motion for Rehearing of the Order Dismissing Appeal;
- 2) Appellant's Motion for Leave to File Out of Time to Order Transcript from Court Reporter;
- 3) Letter Ordering Transcript from Court Reporter;
- 4) A check amounting to Fifty Dollars (\$50.00) as motion fees; and,
- 4) Form 7-Proof of Service for the same.

Sincerely,



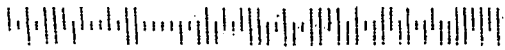
Donald L. Smith, (Bar#6699)
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cc:
Hon. Richard Shirley
Robert E. Davis, Esquire
Office of Court Administration

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SC Court of Appeals



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Attorney Office of Donald Smith
122 N. Main Street,
Anderson, SC 29621

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of Court South Carolina Court of Appeals
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