

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM SALUDA COUNTY
In The Circuit Court

Jocelyn Newman, Circuit Court Judge

Appeal No.: 2017-000198

RECEIVED
AUG 21 2017
SC Court of Appeals

Amy Potts.....Respondent.

v.

McCarty Enterprises, LLC, John Miles McCarty, Audrey S. McCarty, a/k/a Audrey J. McCarty and Jane DoeAppellants.

**AMENDED MOTION FOR EXTENSION OF TIME
TO FILE RECORD ON APPEAL**

The appellants, McCarty Enterprises, LLC, John Miles McCarty, Audrey S. McCarty, a/k/a Audrey J. McCarty and Jane Doe, by and through their undersigned Counsel, hereby move before the South Carolina Court of Appeals, pursuant to South Carolina Appellate Court Rule 210(a) for an extension of time from July 19, 2017 until July 24, 2017, for the Appellant to have served the Record on Appeal on the Respondent. Both parties have now timely filed their final briefs and Appellant has filed the Record on Appeal with the Court under the original deadline. As such, other deadlines will be affected by granting this extension.

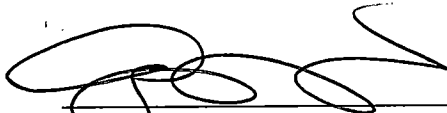
The Record on Appeal was delayed because there were typographical errors in the Respondent's Designation of Matter. Appellants' counsel was able to resolve most of the conflicts and duplicates in the Respondent's designation, except for one. Appellants' counsel consulted with Respondent's counsel on Wednesday, July 19, 2017, via email about that one unresolved problem, but did not get a response that business day. Unfortunately, the next day (Thursday, July 20, 2017) the undersigned's office was changing over internet service providers and this caused further delay.

The record was bound and mailed the following Monday, July 24, 2017, and Appellant filed the Records on Appeal and the Appellant and Respondent both timely filed their Final Briefs and the on August 7, 2017 (which was the original due date had the Record on Appeal been served on Respondent on July 19, 2017).



Appellant requests this extension solely to accommodate the fact that the Record on Appeal was not served on Respondent on July 24, 2017, instead of July 19, 2017, as a result of the aforementioned issues.

The undersigned certifies that she previously consulted with Respondent's Counsel regarding this matter and that further consultation would not be useful.



Candy Kern-Fuller, Esq. (SC Bar No. 11392)

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August 18, 2017

ATTORNEY FOR APPELLANT

THE STATE OF SOUTH CAROLINA
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PROOF OF SERVICE

On August 21, 2017, I served a copy of the Appellant's Amended Motion to Extend Time to File Record on Appeal by:

Hand delivering an original and six (6) copies of said Motion to:

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

U.S. Certified Mail, Return Receipt Requested on Respondent through her counsel:

Mr. Frank S. Potts, Esq.
137 Stone Ridge Rd
Leesville, SC 29070-7295

Mr. M. Evan Lacke, Esq.
Lacke Law Firm, LLC
147 Wappoo Creek Dr., Ste. 204
Charleston, SC 29412

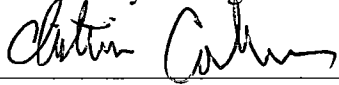
RECEIVED

AUG 21 2017

SC Court of Appeals


Candy M. Kern-Fuller, Esq.

SWORN TO BEFORE ME
This 21st day of August 2017



Notary Public for South Carolina
My commission expires: 11-2-2022



Candy M. Kern-Fuller, Esq.
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August 18, 2017

VIA HAND DELIVERY

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

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SC Court of Appeals

RE: Amy Potts v. McCarty Enterprises, Appellate Case No. 2017-000198

Dear Ms. Kitchings:

Pursuant to Ms. Allen's letter of August 10, 2017, please find enclosed for filing an original and six (6) copies of the Appellant's Amended Motion for Extension of Time to File Record on Appeal and a proof of service on the Respondent and the Court for the same.

Please let me know if you require anything else.

Sincerely,

Candy M. Kern-Fuller, Esq.

Cc: Mr. Frank S. Potts, Esq.
Mr. M. Evan Lacke, Esq.