

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM JASPER COUNTY
Court of Common Pleas

Darrell Thomas Johnson, Jr., Special Referee

APPELLATE CASE NO: 2016-000042

RECEIVED

SEP 01 2017

SC Court of Appeals

C. E. LOWTHER, JR., CLAYTON CLARK
LOWTHER, MITCHELL S. LOWTHER
AND EFFIE SANDRA TURPIN,.....Respondents.

v.

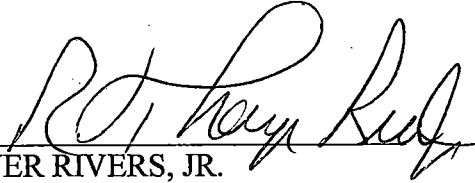
E. LEGRAND LOWTHER.....Appellant.

**MOTION TO FILE FINAL BRIEF
OUT OF TIME**

The Respondents hereby move to file their Final Brief out of time. This motion is based upon the following:

1. I was out of the country on vacation when I was served with Record on Appeal and had limited time to review the Record prior to my Final Brief being due.
2. That upon reviewing the Record I discovered that two of the documents that are included in my Designation of Matter were NOT included in the Record, specifically, Number 11 and Number 19 of the Respondents' Designation.
3. That I have contacted the Appellant's attorney regarding the omission of these documents and have requested that he file a motion to amend the Record.

LAW OFFICE OF R. THAYER RIVERS, JR.

A handwritten signature in black ink, appearing to read "R. Thayer Rivers, Jr.", written over a horizontal line.

R. THAYER RIVERS, JR.

Post Office Box 668
Ridgeland, SC 29936
843-726-8136

Attorney for the Appellants

Ridgeland, SC,
August 29, 2017

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LOWTHER, MITCHELL S. LOWTHER
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v.

E. LEGRAND LOWTHER.....Appellant.

PROOF OF SERVICE

I certify that I have served the Respondents' Motion to File Final Brief Out of Time on the Appellant, E. Legrand Lowther, by depositing a copy of same in the United States Mail, postage prepaid, on August 29, 2017, addressed to his attorney of record, H. Fred Kuhn, Jr., Post Office Drawer 507, Beaufort, SC, 29901.

LAW OFFICE OF R. THAYER RIVERS, JR.



R. THAYER RIVERS, JR.
Post Office Box 668
Ridgeland, SC 29936
843-726-8136

Attorney for the Appellants

Ridgeland, SC,
August 29, 2017

**LAW OFFICE
R. THAYER RIVERS, JR.
COURTHOUSE SQUARE
252 RUSSELL STREET
POST OFFICE BOX 668
RIDGELAND, SOUTH CAROLINA 29936**

**R. THAYER RIVERS, JR.
ALSO ADMITTED IN GEORGIA**

**TELEPHONE
(843) 726-8136
FACSIMILE
(843) 726-4401**

August 29, 2017

Ms. V. Claire Allen
Deputy Clerk
Post Office Box 11629
Columbia, SC 29211

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SC Court of Appeals

**RE: C. E. LOWTHER, JR. et al., v. E. LEGRAND LOWTHER
APPELLATE CASE NUMBER: 2016-000042**

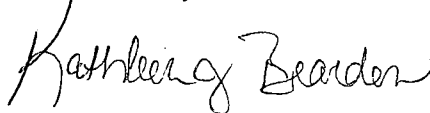
Dear Ms. Allen:

Enclosed please find the original and seven (7) copies each of the Respondents' Motion for an Order Requiring the Appellant to Amend the Record on Appeal and Respondents' Motion to File Final Brief Out of Time, together with the requisite filing fees, in the above matter. Please return a clocked copy of each Motion in the envelope provided.

By copy of this letter, I am serving H. Fred Kuhn, Jr., attorney for the Appellant, a copy of the aforementioned Motions.

Thank you and kindest regards.

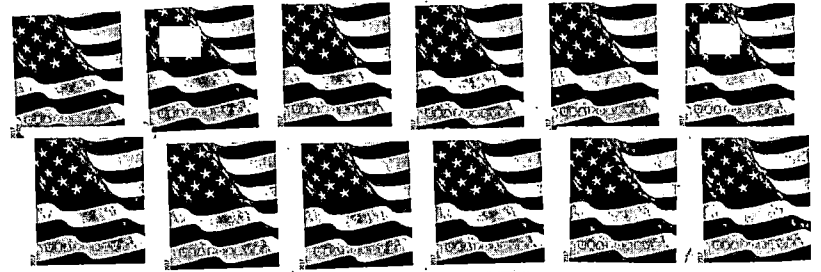
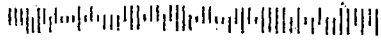
Most sincerely,



Kathleen J. Bearden
Paralegal to R. Thayer Rivers, Jr.

:kjb
Enclosures

cc: H. Fred Kuhn, Jr., Esquire (w/encl.)



LAW OFFICE
R. THAYER RIVERS, JR.
COURTHOUSE SQUARE
252 RUSSELL STREET
POST OFFICE BOX 668
RIDGELAND, SOUTH CAROLINA 29936

Ms. V. Claire Allen
Deputy Clerk
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