

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM NEWBERRY COUNTY
Eugene Griffith, Circuit Court Judge

Case No. 2009-CP-36473

Larry Koon. Appellant

vs.

Gary Morgan. Respondent

Motion to Recall the Remitter
And Reinstate Petition

Larry Koon
P.O. Box 1412
Little Mountain, S.C. 29075
Appellant

Jeff Anderson
140 E. Main St.
P.O.Box 489
Lexington, S.C. 29072
Attorney for Appellee

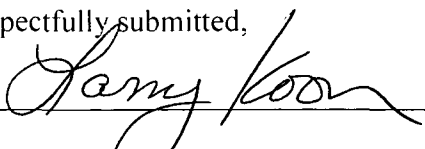
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Comes now, Larry Koon, hereinafter Appellant, and respectfully requests the Court to recall the remitter in the above-captioned case and reinstate Appellant's Petition for Re-Hearing.

On November 7, 2012 Appellant mailed a Petition for Re-Hearing to the Court of Appeals. It appeared to the Clerk that Appellant's Petition was not timely. The Clerk stated (by letter) that the Petition was not received until November 13, 2012. Appellant has no solid proof that the Petition was received prior to November 13th, since the 13th fell on a Tuesday, which was the first day of business after the week-end and the federal Holiday on Monday.

Appellant respectfully requests the court to recall the remitter and reinstate Appellant's Petition for Re-Hearing.

Respectfully submitted,



Larry Koon, Appellant

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Certificate of Service

I, Larry Koon, hereby certify that a true and correct copy of the within document was sent via U.S. Mail, Postage Prepaid to the following:

Jeffrey M. Anderson, counsel for Respondent
140 E. Main St.
P.O.Box 489
Lexington, S.C. 29072

This 28th day of November, 2012.


Larry Koon

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