

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
In The Circuit Court

William A. McKinnon, Circuit Court Judge

Appellate Case No. 2019-001061

RECEIVED
JAN 13 2020
SC Court of Appeals

James Stephen Nivens and
Carolyn Nivens,

Appellants,

v.

JB & E Heating & Cooling, Inc.,

Respondent.

MOTION FOR EXTENSION OF TIME,
OR FOR THE RIGHT TO FILE OUTSIDE TIME

Pursuant to Rules 263(b) and 240, S.C.A.C.R., the Appellants, by their counsel undersigned, move this Court for an order granting an extension of time in which to serve their Initial Brief and Designation of Matter to Be Included in the Record on Appeal, or to be allowed to serve the same outside time, on the grounds stated below:

1. According to this Court's Rules of Procedure, the Appellants' Initial Brief and Designation of Matter to Be Included in the Record on Appeal was due as of thirty days after counsel's receipt of the requested, second transcript; the transcript of the requested first hearing had been received previously to the events below.
2. That second transcript was in fact received by e-mail attachment on November 17, 2019 By inadvertence, the deadline created by that receipt was not calendared in Appellants' counsel's

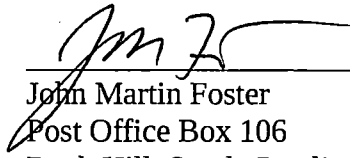
records. Counsel became aware of this error after his receipt of this Court's inquiry as to status dated January 3, 2020 and received January 6, 2020.

3. Counsel has been prevented from completing the initial Brief and Designation of matter owing to trials, the absence of his employee due to the season and closure during the holidays, and the press of business in his office.
4. Counsel for the Appellants believes the same can be supplied if a thirty (30) day extension period is allowed. This is his first request for an extension of time.

The basis of this Motion is the within-cited Rules, the records of this appeal, which items are hereby incorporated in this Motion.

WHEREFORE, the Appellants herein move this Court for an extension of time, or for the right to file outside time, for a period of thirty (30) days in which to serve their Initial Brief and Designation of Matter to Be Included in the Record on Appeal .

January 9, 2020



John Martin Foster
Post Office Box 106
Rock Hill, South Carolina 29731
(803) 324-8100
Attorneys for Appellants

Other Counsel of Record:

James W. Boyd
1544 Ebenezer Road
Rock Hill, S.C. 29732
Attorney for Respondent
803 328-2600

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM LANCASTER COUNTY
In The Circuit Court

Brian Gibbons, Circuit Court Judge

Appellate Case No. 2019-001243

RECEIVED
JAN 13 2020
SC Court of Appeals

Katkams Ventures, LLC
and Suprema, LLC,
as successors in interest to 521, LLC,

Respondents,

v.

No Limit, LLC, d/b/a No Limit Financial, LLC
and Estate of Erich Simpson,

Appellants.

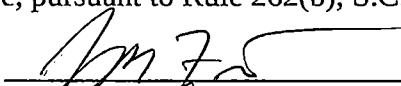
CERTIFICATE OF SERVICE

I certify that I have served the Appellants' Motion for Extension of Time, or to file outside time, dated January 9, 2020, on the following counsel or persons of record:

James W. Boyd
1544 Ebenezer Road
Rock Hill, S.C. 29732
Attorney for Respondent
803 328-2600

by depositing the same with the United States mail, with sufficient first class postage attached, properly addressed to the clerk of the Court, and with a copy also directed to the respective last known address(es) of those attorney(s) and/or persons set out above, pursuant to Rule 262(b), S.C.A.C.R.

January 9, 2020



John Martin Foster
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Rock Hill, S. C. 29731-6106
803 324-8100
Attorney for Appellants

JOHN MARTIN FOSTER

Attorney at law

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|--------------------------------|--------------|------------------------|
| The Guardian Building | PO Box 106 | 803 324 8100 |
| 223 East Main Street Suite 520 | Rock Hill SC | 803 324 8109 Fax |
| Rock Hill South Carolina 29730 | 29731-6106 | jmfoster@comporium.net |

January 9, 2020

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

Re: James Stephen Nivens and Carolyn Nivens, Appellants
v. JB & E Heating & Cooling, Inc., Respondent
Case No.: 2017-CP-46-02339
Appellate Case 2019-001061

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JAN 13 2020
SC Court of Appeals

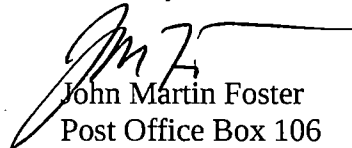
Dear Ms. Kitchings:

In accordance with Rules 240 and 263(a), S.C.A.C.R., enclosed herewith please find the original and seven (7) copies of the Appellants' Motion for Extension of Time, or to File Outside Time, together with Certificate of Service for the same in the above referenced case. I also enclose our check for the Motion fee of \$50.00.

By copy of this letter, I am serving the attorney for the Respondent with copies of the said Motion, as evidenced by the Certificate of Service.

Please return the extra conformed copy to my office in the enclosed self-addressed, stamped envelope. As always, thank you, and your staff, for your assistance in these matters.

Sincerely,

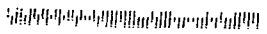


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jmf/
enclosures

cc: Clients

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SC Court of Appeals

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TO:
THE HONORABLE JENNY ABBOTT KITCHINGS
CLERK OF THE COURT OF APPEALS
POST OFFICE BOX 11629
COLUMBIA, S.C. 29211