

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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67203

APPEAL FROM THE CHARLESTON COUNTY  
Court of Common Pleas

Roger M. Young, Sr. Circuit Court Judge

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RECEIVED

FEB 11 2013

Appellate Case No. 2011-CP-10-0046

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SC Court of Appeals

FIRST FEDERAL SAVINGS AND LOAN  
ASSOCIATION OF CHARLESTON.....Respondent,

v.

JAMES H. SOUTHARD, JR. and TERRI SOUTHARD  
aka TERRI M. SOUTHARD.....Appellants.


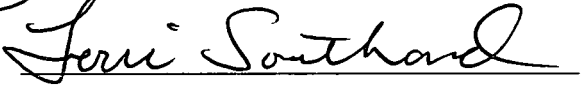
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**MOTION TO FILE APPEAL OUT OF TIME**

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We hereby make a motion to be allowed to file an appeal in this case. The Court has ruled that we filed this appeal too late. We no longer have an attorney to help us so we are trying to handle this case on our own. We believed with filed everything timely. Please accept our appeal out of time or allow us to re-file or whatever can be done to keep this matter before the Court of Appeals. Judge Young's order reached my prior attorney on September 15<sup>th</sup>, 2012, a motion to reconsider was filed in order for the judge to rule on the matter with finality it was not final until the judge ruled on the motion to reconsider which we received knowledge of on the first week in November 2012, a Notice of Appeal was sent within thirty days of the date I received notice of the judge's

ruling on the motion to reconsider. We believe we have complied with the court rules. The judge's ruling is not final until he responds to the motion to reconsider. We have begun the process of obtaining the transcript of record, and, beg the court for additional time because of our misunderstanding of the process. This motion is made pursuant to Appellate Court Rules.

  
JAMES H. SOUTHARD, JR., PRO SE  
  
TERRI M. SOUTHARD, PRO SE

February 7, 2013

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM THE CHARLESTON COUNTY  
Court of Common Pleas

Roger M. Young, Sr. Circuit Court Judge

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FIRST FEDERAL SAVINGS AND LOAN  
ASSOCIATION OF CHARLESTON.....Respondent,

v.

JAMES H. SOUTHARD, JR. and TERRI SOUTHARD  
aka TERRI M. SOUTHARD.....Appellants.

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PROOF OF SERVICE

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We hereby certify that we have served the Motion to File Appeal Out of Time on the Respondent, by mailing a copy to Attorney Magalie A. Arcure of FINKEL LAW FIRM, LLC, P.O. Box 225 Charleston, SC 29402 Attorneys for the Respondent in this action by depositing a copy of it in the United States Mail on the 7 day of February 2013.



JAMES H. SOUTHARD, JR., PRO SE



TERRI M. SOUTHARD, PRO SE

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FEB 11 2013

SC COURT OF APPEALS

**JAMES H. SOUTHARD, JR.,  
4830 Lambs Road  
Charleston, SC 29418**

February 7, 2013

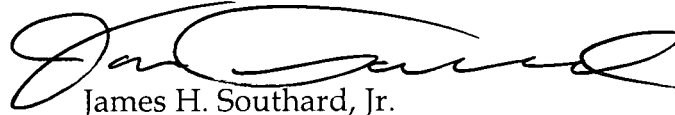
Honorable Jeanette F. Barber  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF  
CHARLESTON V. JAMES H. SOUTHARD, JR., AND TERRI SOUTHARD  
AKA TERRI M. SOUTHARD Case No.:2011-CP-10-0046

Dear Honorable Jeanette F. Barber:

Enclosed you will find the Appellants Motion for Leave to File Appeal Out of Time,  
and a Proof of Service, together with filing fee.

Respectfully,



James H. Southard, Jr.

cc: Attorney Magalie A. Arcure  
Finkel Law Firm, LLC  
P.O. Box 225  
Charleston, SC 29402

**RECEIVED**

FEB 11 2013

**SC Court of Appeals**