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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

James Stephen Nivens and
Carolyn Nivens,

RECEIVED
Appellant **MAR 06 2020**
SC Court of Appeals

v.

JB & E Heating & Cooling, Inc.,

Respondent.

MOTION FOR THE RIGHT TO FILE OUTSIDE TIME
or TO RECALL REMITTITUR

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 the right to file outside time or to recall remittitur, on the grounds stated below:

1. According to this Court's Rules of Procedure and this Court's Order of continuance, the Appellants' Initial Brief and Designation of Matter to Be Included in the Record on Appeal was due as of February 10th, 2020.
2. By inadvertence, the above deadline was improperly entered I counsel's calendar and missed. Counsel was under the belief that the deadline was February 24th, 2020.
3. On February 24th, 2020, counsel received this Court's Order dated February 21st, 2020

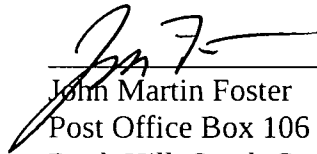
dismissing this appeal. He has been unable to respond to that Order sooner owing to the press of business and briefly, a bout of illness.

4. It is counsel's intention to serve Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal by this Friday, March 6th, 2020. He files this Motion to request an extension through that date, or a recall of the remittitur to the same end.

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 order granting the right to file outside time or to recall remittitur, on the grounds stated herein.

March 4, 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

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MAR 06 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.

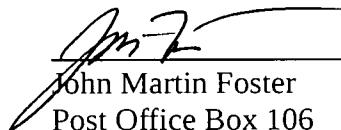
CERTIFICATE OF SERVICE

I certify that I have served the Appellants' Motion for the right to File Outside Time, or to recall the remittitur, dated March 4, 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.

March 4, 2020



John Martin Foster
Post Office Box 106
Rock Hill, S. C. 29731-6106
803 324-8100
Attorney for Appellants

JOHN MARTIN FOSTER

Attorney at law

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

March 4, 2020

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

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MAR 06 2020

SC Court of Appeals

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

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 to File Outside Time or to recall remittitur, 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,



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

jmf/
enclosures

cc: Clients

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