

APPEAL FROM CHARLESTON COUNTY

Bentley D. Price, Circuit Court Judge for Charleston County

RECEIVED  
APR 30 2020  
SS Court of Appeals

2020-000594

Melissa Combs a/k/a Melissa Cleary.....Appellant,

v.

Carlie Elvin Cleary, Individually and as Personal Representative of the Estate of Scott B. Cleary & Ditech Financial, LLC.

Of whom Carlie Elvin Cleary, Individually and as Personal Representative of the Estate of Scott B. Cleary .....Respondent,

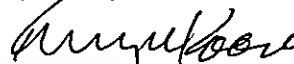
**MOTION FOR PERMISSION TO ORDER TRANSCRIPTS OUT OF TIME**

The undersigned counsel for Appellant hereby moves the Court to allow ordering of the transcripts of two (2) relevant hearings out of time, on the following grounds:

- a) transcripts for hearings held on March 3, 2020 and January 30, 2020, before the Honorable Bentley D. Price were ordered on April 20, 2020, and paid for on April 21, 2020, and April 24, 2020, respectively; and
- b) the transcript of the March 3, 2020 hearing was received by counsel on April 27, 2020. Transcript of January 30, 2020 hearing has not yet been received.

The undersigned respectfully submits that any delay in ordering the transcript(s) is not prejudicial to any party in this matter and respectfully moves the Court for an order allowing ordering the transcript(s) out of time.

Respectfully submitted,



**KERRY W. KOON**  
147 Wappoo Creek Drive, Ste. 203  
Charleston, SC 29412  
(843) 795-7000  
ATTORNEY FOR APPELLANT

Charleston, South Carolina  
April 27, 2020

APPEAL FROM CHARLESTON COUNTY

Bentley D. Price, Circuit Court Judge for Charleston County

2020-000594

Melissa Combs a/k/a Melissa Cleary.....Appellant,

v.

Carlie Elvin Cleary, Individually and as Personal Representative of the Estate of Scott B. Cleary & Ditech Financial, LLC.

Of whom Carlie Elvin Cleary, Individually and as Personal Representative of the Estate of Scott B. Cleary .....Respondent,

**AFFIDAVIT OF KERRY W. KOON, ESQ.**

Personally appeared before me, *KERRY W. KOON*, who, being duly sworn, deposes and says as follows:

That I am counsel for the Appellant in the above action.

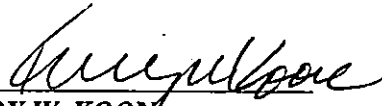
On April 20, 2020, we mistakenly ordered transcripts of the March 3, 2020 hearing and January 30, 2020 hearing, before Judge Price from court report Joyce Rueger. That same day she informed us that she had not reported these hearings and referred us to court reporters Krista Nicole Carney for the January 30, 2020 hearing and Karen Anderson for the March 3, 2020 hearing.

On April 20, 2020, we requested hearing transcripts from each of the correct court reporters (copies attached as Exhibits "A" and "B").


That counsel received bills for each hearing transcript and paid the same in advance to Karen Anderson on April 21, 2020 (copy attached as Exhibit "C") and to Krista Nicole Carney

on April 24, 2020 (copy attached as Exhibit "D").

On April 27, 2020, the transcript of the March 3, 2020 hearing was electronically delivered to the undersigned. The undersigned has not yet received the transcript of the January 30, 2020 hearing.

  
**KERRY W. KOON**  
147 Wappoo Creek Drive, Ste. 203  
Charleston, SC 29412  
(843) 795-7000  
ATTORNEY FOR APPELLANT

**SWORN** to and subscribed before me  
this 27 day of April, 2020.

  
Printed Name of Notary: Megan Mitchum  
Notary Public for South Carolina  
My Commission Expires: 4/14/2029

Telephone: Bus: (843) 795-7000  
Fax: (843) 762-5276

Ex. "A"

**KERRY W. KOON**  
*Attorney at Law*  
147 Wappoo Creek Drive  
Wappoo Centre, Suite 203  
Charleston, South Carolina 29412

April 20, 2020

VIA EMAIL [kandersen@sccourts.org](mailto:kandersen@sccourts.org) & U.S. MAIL  
Karen Anderson  
PO Box 333  
Huger, SC 29450

**RECEIVED**

APR 30 2020

SC Court of Appeals

**RE: \*REQUEST FOR TRANSCRIPT OF 3/3/2020\***  
*Melissa Combs a/k/a Melissa Cleary v. Carlie Elvin Cleary, Individually & as Personal Representative of the Estate of Scott B. Cleary & Ditech Financial, LLC*  
Case #: 2019-CP-10-3006  
Appellate case #: 2020-000594

Dear Karen,

I would greatly appreciate it if you would prepare of transcript in the above referenced matter for the motion hearing heard by Judge Price on March 3, 2020.

Naturally, I will be responsible for the cost of preparation of the transcript.

With kindest personal regards, I am

Very truly yours,



Kerry W. Koon

KWK:mm

cc: Jenny Kitchings, Clerk of Court, South Carolina Court of Appeals  
John Dodds, Esq.

Telephone: Bus: (843) 795-7000  
Fax: (843) 762-5276

Ex. "B"

**KERRY W. KOON**  
*Attorney at Law*  
147 Wappoo Creek Drive  
Wappoo Centre, Suite 203  
Charleston, South Carolina 29412

April 20, 2020

VIA EMAIL [kncarney@sccourts.org](mailto:kncarney@sccourts.org) & U.S. MAIL

Krista Nicole Carney  
1453 Amanda Park Lane  
Charleston, SC 29412

**RE: \*REQUEST FOR TRANSCRIPT OF 1/30/2020\***  
*Melissa Combs a/k/a Melissa Cleary v. Carlie Elvin Cleary, Individually & as Personal Representative of the Estate of Scott B. Cleary & Ditech Financial, LLC*  
Case #: 2019-CP-10-3006  
Appellate case #: 2020-000594

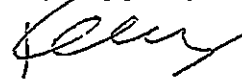
Dear Krista,

I would greatly appreciate it if you would prepare of transcript in the above referenced matter for the motion hearing heard by Judge Price on January 30, 2020.

Naturally, I will be responsible for the cost of preparation of the transcript.

With kindest personal regards, I am

Very truly yours,



Kerry W. Koon

KWK:mmm

cc: Jenny Kitchings, Clerk of Court, South Carolina Court of Appeals  
John Dodds, Esq.

Re: ~~Combs~~ v. Cleary/2019-CP-10-3006/REQUEST FOR TRANSCRIPT OF MARCH 3, 2020

Andersen, Karen <kandersen@sccourts.org>

Tue 4/21/2020 9:00 AM

To: Kerry Koon <kerrykoon@hotmail.com>

Ex. "C"

Good morning. The transcript you have requested would be \$82.50 for a signed and certified electronic copy. Upon the payment to me at the address below or via Paypal at kandersen3592@yahoo.com or via Venmo at Karen Andersen@Karen-Andersen-1. Thank you!

Karen V. Andersen, RMR, CRR  
2496 Kings Gate Lane  
Mt. Pleasant, SC 29466

From: Kerry Koon <kerrykoon@hotmail.com>

Sent: Monday, April 20, 2020 4:27:15 PM

To: Andersen, Karen

Subject: Combs v. Cleary/2019-CP-10-3006/REQUEST FOR TRANSCRIPT OF MARCH 3, 2020

\*\*\* EXTERNAL EMAIL: This email originated from outside the organization. Please exercise caution before clicking any links or opening attachments. \*\*\*

Ms. Andersen, please see attached regarding the above. Hard copy to follow via U.S Mail.

Thank you,

Megan Mitchum, Legal Assistant to Kerry W. Koon, Esq.  
843.795.7000

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

|                                                                                 |  |                                      |
|---------------------------------------------------------------------------------|--|--------------------------------------|
| <b>KERRY W KOON</b><br>147 WAPPOO CREEK DR STE 203<br>CHARLESTON, SC 29412-2111 |  | <b>5121</b><br>67-448/539 SC<br>1607 |
|                                                                                 |  | Date <u>4-21-20</u>                  |
| Pay to the Order of <u>Karen Andersen</u>                                       |  | \$ <u>82.50</u>                      |
| <u>eighty two and 50/100</u>                                                    |  | Dollars                              |
| <b>BANK OF AMERICA</b>                                                          |  |                                      |
| ACH/R/T 053904483                                                               |  |                                      |
| For <u>Kerry Koon</u>                                                           |  |                                      |
| ⑆053904483⑆ 000729546827⑆5121                                                   |  |                                      |

Ex. "D"

KRISTA "NICOLE" CARNEY  
1453 AMANDA PARK LN  
CHARLESTON, SC 29412  
kncarney@sccourts.org

April 23, 2020

Ms. Kerry W. Koon, Esquire  
147 Wappoo Creek Drive  
Charleston, SC 29412

35 pages @ 4.25 = \$148.75

PAYMENT DUE UPON RECEIPT

**KERRY W KOON**  
147 WAPP00 CREEK DR STE 203  
CHARLESTON, SC 29412-2111

Pay to the Order of Krista Carney  
on behalf of self - assist all 15/200

**BANK OF AMERICA**  
ACH R/T 05390483

For: Courts

005390448300072954682705829

Date: 4-24-20

\$ 148.75 Dollars

5127  
67-499539 SC  
1607

Photo  
Deposit  
Indirection

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SC Court of Appeals

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Bentley D. Price, Circuit Court Judge for Charleston County

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Melissa Combs a/k/a Melissa Cleary.....Appellant,

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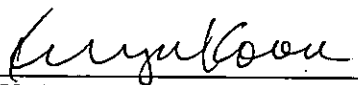
Carlie Elvin Cleary, Individually and as Personal Representative of the Estate of Scott B. Cleary & Ditech Financial, LLC.

Of whom Carlie Elvin Cleary, Individually and as Personal Representative of the Estate of Scott B. Cleary .....Respondent,

**PROOF OF SERVICE**

I certify that I have served a copy of the Appellant's Motion for Permission to Order Transcript Out of Time and supporting affidavit, on John Dodds, Attorney for Respondent Carlie Elvin Cleary, Individually & as Personal Representative of the Estate of Scott B. Cleary, by depositing a copy of it in the United States Mail, postage prepaid, on April 27, 2020, addressed to Cisa & Dodds, LLP, 858 Lowcountry Blvd., Ste. 101, Mt. Pleasant, SC 29464.

April 27, 2020

  
Kerry W. Koon  
147 Wappoo Creek Drive, Ste. 203  
Charleston, South Carolina 29412  
(843) 795-7000  
Attorney for Appellant

Telephone: Bus: (843) 795-7000  
Fax: (843) 762-5276

**KERRY W. KOON**  
*Attorney at Law*  
147 Wappoo Creek Drive  
Wappoo Centre, Suite 203  
Charleston, South Carolina 29412

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APR 30 2020

SC Court of Appeals

April 27, 2020

Jenny Kitchings, Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
PO Box 11629 (29211)  
Columbia, SC 29201

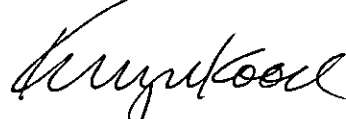
**RE: *Melissa Combs a/k/a Melissa Cleary v. Carlie Elvin Cleary, Individually & as Personal Representative of the Estate of Scott B. Cleary & Ditech Financial, LLC***  
**Appellate case #: 2020-000594**

Dear Madam Clerk,

Please find enclosed for filing a motion to order transcripts out of time in the above referenced matter, together with a supporting affidavit, Proof of Service of the same and my check for the required motion fee.

With kindest personal regards, I am

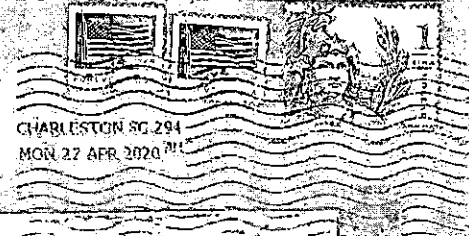
Very truly yours,



Kerry W. Koon

KWK:mm  
Enclosures

cc: John Dodds, Esq.



CHARLESTON SC 294  
MON 27 APR 2020 7:11

KERRY W. KOON, ESQ.  
147 WAPPOO CREEK DRIVE, STE. 203  
CHARLESTON, SC 29412

Jenny Kitchings, Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
PO Box 11629 (29211)  
Columbia, SC 29201

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