

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

R. Scott Sprouse, Circuit Court Judge

Case No. 2019-CP-04-00337

Florence Keese, Marcy Keese,
Margo Keese and Marshall
Keese, *pro se*

Appellants,

v.

Frances K. Chestnut,
Elizabeth Diane Keese,
Sylvester Keese, Arthur B.
Keese and Mary K. Taylor

Appellees.

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APPELLANTS' MEMORANDUM OF LAW IN SUPPORT OF
MOTION FOR LEAVE OF COURT TO FILE
DESIGNATION OF MATTER TO BE INCLUDED
IN THE RECORD ON APPEAL

I. STATEMENT OF FACTS

Appellants Designation of Matter to be Included in the Record on Appeal (Designation) was due at time their Initial Brief was due; Appellants did not file their Designation with their Initial Brief.

On May 22, 2020, this Court Ordered the Appellants:

Within ten (10) days of the date of this letter, you must file the designation of the matter along with a motion pursuant to Rule 240. SCACR, to allow late filing of the designation matter or your initial brief will not be considered and your appeal will be dismissed.

Letter From Clerk of Court To Appellants, at 2 (May 22, 2020).

Consistent with the letter and spirit of this Court's May 22, 2020 Order, Appellants timely move for leave of Court to file their Designation late.

II. LAW/ANALYSIS

Appellants have the burden of timely designating the record in support of their appeal. See South Carolina Appellate Court Rules 209 *et seq.*; Helms Realty, Inc. v. Gibson-Wall Company, 363 S.C. 334, 339, 611 S.E.2d 485, 488-89 (2005)(the appealing party has the burden of providing a sufficient record for review).

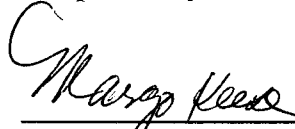
Appellants initial filing did not comply with this Court's Rules; however, this Court, in the proper exercise of its discretion has granted Appellants time to correct this deficiency. See, e.g., Henning v. Kaye, 307 S.C. 436, 437, 415S.E.2d 794, 794-

95 (1992)(allowing appellant to correct “numerous violations of the Rules” including the failure to include a sufficient Designation). Appellants have submitted a Designation and Motion in compliance with this Court’s May 22, 2020 Order. Therefore, they are entitled to the relief contemplated in this Court’s May 22, 2020 Order.

III. CONCLUSIONS

Based on the foregoing, Appellants pray the Court grant the Motion to late file the Appellants’ Designation.

Respectfully submitted,



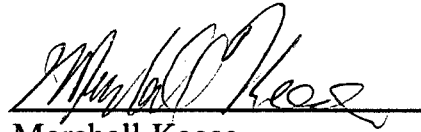
Margo Keese
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(484) 716-5255
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A handwritten signature in cursive script, appearing to read "Marcy Keese", written over a horizontal line.

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A handwritten signature in cursive script, appearing to read "Marshall Keese", written over a horizontal line.

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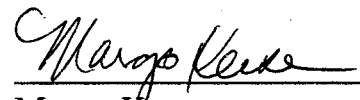
IV. CERTIFICATE OF SERVICE

We, Appellants, on this 30th day of May 2020, hereby certify that attached Motion was filed in this Court by **PRIORITY MAIL** and served by **FIRST CLASS MAIL** on the person noted below:

Other Counsel of Record:
Carolyn G. Baird, Esquire
JONES LAW FIRM, PA
Post Office Box 987
Anderson, South Carolina 29622
Attorney for Respondent
(864) 224-3474

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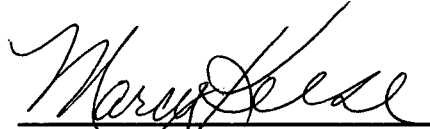
Respectfully submitted,



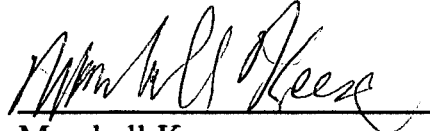
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May 30, 2020

BY PRIORITY MAIL

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

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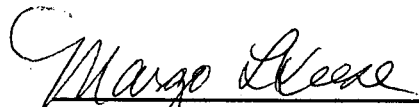
RE: Frances K. Chestnut, Elizabeth Diane Keese, Sylvester Keese, Arthur B. Keese and Mary K. Taylor, Respondents, v. Florence Keese, Marcy Keese, Marshall Keese and Margo Keese, pro se, Appellants, Case No. 2020-000263

Dear Ms. Kitchings:

Enclosed for filing is the following:

1. Designation of Matter to be Included in the Record on Appeal;
2. Motion for Leave of Court (6 Copies);
3. Memorandum of Law In Support of Motion (6 Copies); and
4. Initial of Brief of Appellants

Sincerely,



Margo Keese
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Silver Spring, Maryland 20904
(484) 716-5255
Pro Se

cc: Carolyn G. Baird, Esquire
JONES LAW FIRM, PA
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Anderson, South Carolina 29622
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Attorney for Respondent

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