

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

THE HONORABLE JENNIFER B. MCCOY
Circuit Court Judge

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Aug 05 2020

SC Court of Appeals

Case No.: 2019-CP-10-01932

Appellate Case No.: 2019-002124

IN RE: Estate of Stephen Day Ward, JR.

Mary K. Ward a/k/a Mary Kimberly WardRespondent

vs.

Stephanie Ward Cibinic, David D. Ward, and Brian C. Ward, Personal
Representatives Appellants,

RETURN TO RESPONDENT’S THIRD MOTION FOR EXTENSION OF TIME

Pursuant to Rule 240(e), SCACR, the Appellants submit this Return to the Respondent’s
Third Motion for an Extension of Time.

Counsel for Respondent has moved for three extension of time “due to the death of Mary
K. Ward and the necessity of substituting the proper legal party as Respondent in the instant
appeal.” On July 14, 2020, the Court of Appeals filed an Order granting Counsel for Respondent’s
second motion for an extension of time through August 3, 2020. The order provides: “No further
extension will be granted absent extraordinary circumstances.” Thereafter, on August 3, 2020, via
facsimile, Counsel for Respondent filed a third motion for extension of time on the ground that, as
of July 31, 2020, Respondents’ counsel had still not received a copy of notice of appointment of

the personal representative for the Estate of Mary K. Ward, pending in Massachusetts. The Respondent did not consult with the undersigned Counsel for the Appellants prior to the filing of the motions for extension of time.

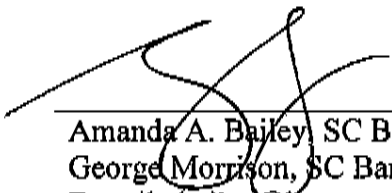
Appellants object to this third motion for extension of time on the ground that Rule 25 of the South Carolina Rules of Civil Procedure and Rule 265 of the South Carolina Appellate Court Rules permits the substitution of parties in the event of death, but does not require substitution of a party in order for the attorney of record to proceed with the appeal. Counsel for Respondent has presented no extraordinary circumstances to warrant any additional extension of time as required by the July 14, 2020 Order.

As a result, Counsel for Respondent's third motion for an extension of time should be denied.

Respectfully submitted,

BURR & FORMAN LLP

Dated: August 5, 2020



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*Attorneys for Appellants
Stephanie Ward Cibinic, David D. Ward, and
Brian C. Ward*

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IN RE: Estate of Stephen Day Ward, JR.

Mary K. Ward a/k/a Mary Kimberly Ward Respondent

vs.

Stephanie Ward Cibinic, David D. Ward, and Brian C. Ward, Personal
Representatives Appellants,

PROOF OF SERVICE

I, Carole Koerner, an employee of Burr & Forman LLP attorneys for Appellants in the above-entitled action, certify that I have served **Appellants' Return to Respondent's Third Motion for Extension of Time and Proof of Service** on Counsel of Record by using the AIS Email address of counsel of record to this matter pursuant Order of the Supreme Court of South Carolina, Appellate Case No. 2020-000447, Section (g)(3), on the 5th day of August, 2020 as follows:

Jane A. McFadden, Esq.
665 St. Andrews Boulevard
Charleston, SC 29407
Attorney for Respondent
Fax: 843-946-5962
Email: jamecfaddin@bellsouth.net


Carole Koerner

Myrtle Beach, South Carolina

BURR • FORMAN MCNAIR

Amanda Bailey
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SC Court of Appeals

August 5, 2020

VIA FACSIMILE (803-734-1839)

Jenny Abbott Kitchings, Clerk
South Carolina Court of Appeals
P. O. Box 11629
Columbia, SC 29211

**Re: In Re: Estate of Stephen Day Ward, Jr.
Stephanie Ward Cibinic, David D. Ward, and Brian C. Ward, Personal
Representatives v. Mary K. Ward a/k/a Mary Kimberly Ward
Appellate Case No. 2019-002124**

Dear Ms. Kitchings:

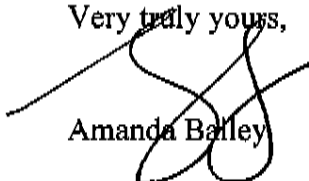
On behalf of Appellants in the above-referenced matter, we attach for filing the following:

1. Return to Respondent's Third Motion for Extension of Time; and
2. Proof of Service.

Please provide confirmation of filing of the above-referenced documents.

Thank you.

Very truly yours,



Amanda Bailey

AAB/ck
Attachment

cc: Jane A. McFaddin, Esq. (w/enc., via email and facsimile)
George Morrison, Esq. (via email)
Clients (via email)

Founders Centre
2411 Onk Street, Suite 206
Myrtle Beach, SC 29577
Telephone 843.444.1107
Facsimile 843.444.4729

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Mailing Address:
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Myrtle Beach, SC 29578

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DATE: August 5, 2020

TIME: 11:47 AM

Aug 05 2020

Please deliver the following pages to:

SC Court of Appeals

NAME:	PHONE NO.	FAX NO.
Jenny Abbott Kitchings		803-734-1839
Jane A. McFaddin (via email)		843-556-4429
George E. Morrison, Esq. (via email)		

This transmittal being sent by: Carole Koerner

NAME:	Amanda Bailey	DIRECT DIAL:	(843) 443-3031
EMPLOYEE ID:	7009	DIRECT FAX:	(843) 946-5962

MESSAGE: In Re: Estate of Stephen Day Ward, Jr.; Appellate Case No.: 2019-002124
Ms. Kitchings:
Attached for filing with the Court, please find a letter dated August 5, 2020 from Ms. Bailey and Appellant's Return to Respondent's Third Motion for Extension of Time and Proof of Service.
With kind regards, Carole Koerner, Secretary to Amanda A. Bailey

Number of pages 5 including the cover sheet

Burr & Forman LLP Facsimile Number 843.444.4729

If You Do Not Receive All Pages Noted Above, Please Call 843.444.1107

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Client/Matter No. 2066339-0000001

Return Fax and all Attachments to: Amanda Bailey