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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Russell A. DeMott, Special Referee

Appellate Case No. 2020-000209
Case No. 2015-CP-18-2381

Ronald Tucker, Jr. and Kenneth W. Tucker a/k/a Kenneth Tucker, Individually and as
Co-Personal Representatives of the Estate of Mary H. Tucker, and Michael
Allen,.....Respondents

vs.

Lutricia Tucker Blakey, Gwendolyn Garretson, Priscilla Gray, Florie T. Hamilton, Jamika Tucker Jackson, Doris Tucker Jenkins, Alice C. Johnson, Pamela D. Tucker McKnight, Lutricia Tucker Blakey, Gwendolyn Garretson, Priscilla Gray, Florie T. Hamilton, Jamika Tucker Jackson, Doris Tucker Jenkins, Alice C. Johnson, Pamela D. Tucker McKnight, Charlene Tucker Smalls, Abraham Tucker, Ashaunte Tucker, Bradley Tucker, Calvin Tucker, Clifford Tucker, Craig Tucker, Cynthia Marie Tucker, Cynthia Tucker, Dorothy Tucker, Dorothy Kitt Tucker, Frank T. Tucker, Gary C. Tucker, Hazel Tucker, Herman Tucker, Kenneth J. Tucker, Kenneth Tucker, Larry Tucker, Lillian A. Gregg Tucker, Mary Tucker, Maurice Tucker, Michael Anthony Tucker, Reubin Tucker, III, Ryan Tucker, Sadie Hutchinson Tucker, Shawn Tucker, Sheldon Tucker, Shontique Tucker, Sophronia Tucker, Spencer Tucker, Victor Leroy Tucker, Victoria Lorene Tucker, Deborah Tucker White, John Doe, a fictitious name used herein to designate the estates and unknown heirs at law, distributees, devisees, issue, personal representative, successors and/or assigns of Lawrence Herman Cuttino, Lula Tucker Cuttino, Jerry Cuttino, Drayton W. Gray, Jr., Marion Tucker Gray, Alonza Tucker, Bernice Harrison Tucker, Carsedra Yvette Tucker, Charles Tucker, Donald Vaughn Quentin Tucker, Eliza Gallashaw Tucker, Emmie Richardson Tucker, Geraldine Tucker, Harry Tucker, Israel Tucker, Sr., James Tucker, Lucille Tucker, Lucius J. Tucker, Mary Ella Tucker, Nathaniel Tucker, Regimen Gerthrod Tucker, Reubin Tucker, Reubin Tucker, Jr., Ronald Tucker, Teselene Rivers Tucker, Theron Antonio Tucker, William Tucker, Willie B. Tucker all being deceased person(s) or who may be deceased person(s); and Mary Roe, a fictitious name designating all other persons and legal entities unknown who may have or claim any right, title, estate, interest in or lien upon the real estate described herein, including any such

as may be infants, minors, prisoners, incompetents, or under any other disability, including the Servicemembers Civil Relief Act, American Builders & Contractor Supply, Co., Inc., Citifinancial, Department of the Treasury – Internal Revenue Service, First Credit of Holly Hill, Lowcountry Credit, LLC, South Carolina Department of Revenue, South Carolina Electric and Gas, Herbert E. Myers, Charlene Tucker Smalls, Abraham Tucker, Ashaunte Tucker, Bradley Tucker, Calvin Tucker, Clifford Tucker, Craig Tucker, Cynthia Marie Tucker, Cynthia Tucker, Dorothy Tucker, Dorothy Kitt Tucker, Frank T. Tucker, Gary C. Tucker, Hazel Tucker, Herman Tucker, Kenneth J. Tucker, Kenneth Tucker, Larry Tucker, Lillian A. Gregg Tucker, Mary Tucker, Maurice Tucker, Michael Anthony Tucker, Reubin Tucker, III, Ryan Tucker, Sadie Hutchinson Tucker, Shawn Tucker, Sheldon Tucker, Shontique Tucker, Sophronia Tucker, Spencer Tucker, Victor Leroy Tucker, Victoria Lorene Tucker, Deborah Tucker White, John Doe, a fictitious name used herein to designate the estates and unknown heirs at law, distributees, devisees, issue, personal representative, successors and/or assigns of Lawrence Herman Cuttino, Lula Tucker Cuttino, Jerry Cuttino, Drayton W. Gray, Jr., Marion Tucker Gray, Alonza Tucker, Bernice Harrison Tucker, Carsedra Yvette Tucker, Charles Tucker, Donald Vaughn Quentin Tucker, Eliza Gallashaw Tucker, Emmie Richardson Tucker, Geraldine Tucker, Harry Tucker, Israel Tucker, Sr., James Tucker, Lucille Tucker, Lucius J. Tucker, Mary Ella Tucker, Nathaniel Tucker, Regimen Gerthrod Tucker, Reubin Tucker, Reubin Tucker, Jr., Ronald Tucker, Teselene Rivers Tucker, Theron Antonio Tucker, William Tucker, Willie B. Tucker all being deceased person(s) or who may be deceased person(s); and Mary Roe, a fictitious name designating all other persons and legal entities unknown who may have or claim any right, title, estate, interest in or lien upon the real estate described herein, including any such as may be infants, minors, prisoners, incompetents, or under any other disability, including the Servicemembers Civil Relief Act, American Builders & Contractors Supply, Co., Inc., Citifinancial, Department of the Treasury – Internal Revenue Service, First Credit of Holly Hill, Lowcountry Credit, LLC, South Carolina Department of Revenue, South Carolina Electric and Gas, Herbert E. Myers,.....Defendants

of Whom

Lutricia Tucker Blakey, Gary C. Tucker, Spencer Tucker, Sophronia Tucker, Pearl Hazel Tucker, Reubin Tucker, III, Cynthia Marie Tucker, Victoria Lorene Tucker, Victor Leroy Tucker, Theresa Tucker, Heirs of Reubin Tucker and Reubin Tucker, Jr., Deborah Tucker White and the Heirs of Alonzo Tucker, Clifford Tucker, Calvin Tucker, Shawn Tucker, and Darryl Tucker, and the Heirs of Nathaniel Tucker, Samuel Tucker, Jeffrey Tucker, Timothy Tucker, and Lucius Tucker, Jr., and Heirs of Samuel Tucker and Dorothy Tucker, Cynthia Tucker, Larry Tucker, Craig Tucker, Sheldon Tucker, Charlene Tucker Smalls, Bradley Tucker, Ryan Tucker, Ashaunte Tucker, Jamika Tucker Jackson, and Shontique Tucker, and Heirs of Israel Tucker, Sr., Gwendolyn Garretson, Priscilla Gray, Heirs of Marion Tucker Gray are the,.....Appellants.



MOTION FOR REINSTATEMENT OF APPEAL PURSUANT TO RULE 260 SCACR

Pursuant to Rule 260 SCACR, the Appellant, by and through her counsel, hereby moves before this Court for an Order granting her a reinstatement of the pending appeal in the within-referenced matter. The Appellant humbly requests the same from this Court as the correspondence regarding any dismissal and subsequent remittitur was not received by counsel for the Appellant until Appellant herself provided the same to counsel on August 5, 2020. Pursuant to the Court's correspondence, it appears that counsel for the Appellant failed to provide additional clarification as requested by the Court in order to proceed with the filed appeal. An inability for the Appellant to proceed under said appeal due to counsel's failure to provide said communication would be unjust and unreasonable to Appellant's position as all other filings prior to this time were communicated pursuant to the Court's requirements. Further, Appellant should not be penalized by any action of Appellant's counsel in lacking receipt of said communication due to extenuating circumstances, like most in this State beginning in early March 2020 functioning under a limited schedule with staff working remotely due to the ongoing COVID-19 pandemic. This motion is filed in an effort to comply with Court rules and in order to allow the Appellant the ability to proceed with her appeal to the fullest extent.

August 14, 2020



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Other counsel of Record:

James E. Reeves, Esq.
400 North Cedar Street
Summerville, SC 29483

P. Brandt Shelbourne, Esq.
131 E. Richardson Avenue
Summerville, SC 29483

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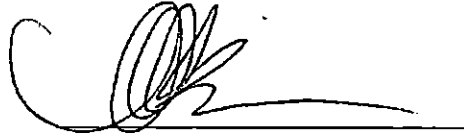
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PROOF OF SERVICE

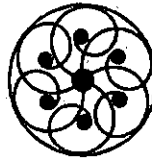
The undersigned hereby certifies that a true copy of the Motion For Reinstatement Of Appeal Pursuant To Rule 260 SCACR has been served upon James E. Reeves, Esq., counsel for the Respondent at 400 North Cedar Street, Summerville, South Carolina 29483 and P. Brandt Shelbourne, Esq., counsel for the Respondent at 131 E. Richardson Avenue, Summerville, South Carolina, 29483, by United States Mail, first class, postage prepaid on the 14th day of August, 2020.



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BREES

LAW FIRM



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SC Court of Appeals

August 14, 2020

Via U.S. Mail to:

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

Re: Motion for Reinstatement of Appeal Pursuant to Rule 260 SCACR
Appellate Case No.: 2020-000209 - Tucker v. Blakey

Dear Ms. Kitchings:

Please find enclosed herewith an original and six (6) copies of a Motion for Reinstatement of Appeal Pursuant to Rule 260 SCACR in the above-referenced matter along with the Proof of Service for the same. Per court rules, I am enclosing our firm's check in the amount of \$50.00 for the motion filing fee.

Copies of the same have been sent via U.S. Mail to the South Carolina Office of Court Administration as well as James E. Reeves, Esq. and P. Brandt Shelbourne, Esq., counsel of record for the Respondents.

Please return the file-stamped copy to my office in the enclosed prepaid return envelope. Please do not hesitate to contact me with any questions. Thank you for your attention to this matter. With kind regards, I remain

Very truly yours,

Maria Kiehling Brees

/encls

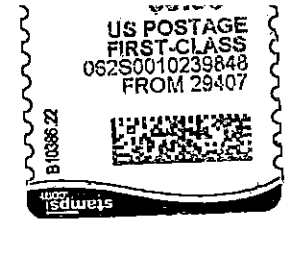
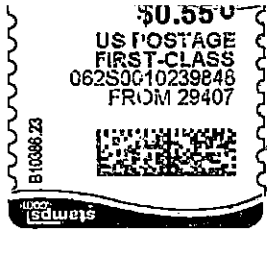
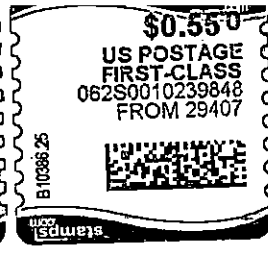
cc: James E. Reeves, Esq.
P. Brandt Shelbourne, Esq.

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