

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

RECEIVED
AUG 21 2020
SC Court of Appeals

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

August 19, 2020

VIA EMAIL siritchie@sccourts.org & U.S. MAIL

Jenny Kitchings, Clerk of Court
South Carolina Court of Appeals
ATTN: SIERRA RITCHIE
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,

I am writing to inform the Court of an issue concerning the status of the transcript relevant to the above referenced appeal.

There were two relevant hearings concerning this matter, both before Judge Bentley Price. The first hearing was a motion hearing on January 9, 2020, subsequent to which Judge Price granted the Defendant's Motion to Dismiss in an Order dated January 30, 2020, which remanded the case to the Probate Court.

The second hearing occurred on March 3, 2020, on Appellant's Motion to Alter or Amend which Judge Price denied.

On April 20, 2020, I ordered the transcripts from court reporters Krista Nicole Carney and Karen Andersen, believing that Ms. Carney had reported the original motion hearing and Ms. Andersen had reported the motion to alter or amend. The transcript of the motion to alter or amend has been received in routine fashion.

On April 23, 2020, I received a bill from Krista Nicole Carney for the original motion hearing transcript and paid the same on April 24, 2020.

On June 16, 2020, I received an email from Krista Nicole Carney indicating that she would have the

transcript I requested at the beginning of July 2020.

On July 7, 2020, I wrote a letter to court administration and updated them on the status of the transcript.

On August 18, 2020, I received a telephone call from Krista Nicole Carney stating that she could not find any evidence that she reported the motion hearing that I had requested and that prior correspondence and bill was in error. She explained that she had only one hearing on the date I requested and assumed it was mine and has now confirmed that it was not. She of course, offered to refund the previously paid transcript bill.

In our telephone conversation and after a review of the clerk's file for the order dates and my calender, I see that I made an error when I made the transcript request to Ms. Carney by confusing the date of the order (January 30, 2020) with the date of the hearing (January 9, 2020). We also determined that she was not reporting for Judge Price on January 9, 2020, and that Karen Andersen, apparently reported both hearings.

This explains why Ms. Carney could not locate the transcript.

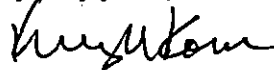
I reached out by email to Karen Andersen that same day to confirm that she reported the January 9th hearing but as of this writing have yet to hear back from her. I am contemporaneously writing Ms. Andersen to formally request the transcript (copy attached).

The purpose of this letter is to inform the Court of the issue and determine whether it will be necessary for me either to file a motion for an extension to obtain the transcript, or to extend the time for Appellant's Initial Brief.

I apologize to all for this mistake.

With kindest regards, I am

Very truly yours,



Kerry W. Koon

KWK:mm
Enclosure

cc: John Dodds, Esq.

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

RECEIVED

AUG 21 2020
SC Court of Appeals

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

August 19, 2020

VIA EMAIL ONLY kandersen@sccourts.org and karenandersenretiredcr@sccourts.org

Karen Andersen
2496 Kings-Gate-Lane-
Mt. Pleasant, SC 29466

RE: *REQUEST FOR TRANSCRIPT OF 1/9/2020*
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 understand that you were Judge Price's reporter for a motion hearing on January 9, 2020. 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 9, 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

RECEIVED
AUG 21 2020
SC Court of Appeals

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

August 19, 2020

VIA EMAIL ONLY kandersen@sccourts.org and karenandersenretiredcr@sccourts.org

Karen Andersen
2496 Kings Gate Lane
Mt Pleasant, SC 29466

RE: *REQUEST FOR TRANSCRIPT OF 1/9/2020*
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 understand that you were Judge Price's reporter for a motion hearing on January 9, 2020. 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 9, 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

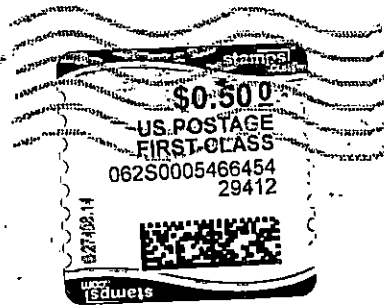
KWK:mm

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

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

CHARLESTON SC 29412

19 AUG 2020 PM 1 L



RECEIVED

AUG 21 2020

SC Court of Appeals

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

29211-162929

