

93570

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY

HON. EDGAR W. DICKSON, JUDGE

APPELLATE CASE NO. 2019-001676

RECEIVED

NOV 23 2020

SC Court of Appeals

Charles E. Houston Jr

Appellant

V.

Shirley J. Boone As the Administrator of the Estate of Dean B. Bell, The Law Offices of Dean B. Bell, LLC and B. Hammel Properties, LLC

Respondents

**APPELLANT'S MOTION FOR EXTENSION OF TIME AND /OR OUT
OF TIME TO FILE AMENDED RECORD ON APPEAL**

Charles E. Houston Jr
100 Shady Brooke Walk
Fayetteville, Georgia 3024

charlesehouston@icloud.com

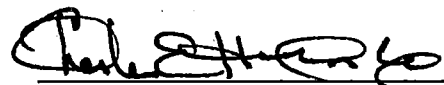
Appellant, *Pro Se*

Fayetteville, Georgia
November 18, 2020

The Appellant would, pursuant to Rule 240, SCRAP, move the Court for an Order to receive for filing and a decision and determination made thereon; Appellants annexed Motion for the Court's Reconsideration and Amendment of its Order of October 19, 2020 requiring changes to be incorporated in the Record on Appeal and further, to extent the time for filing the Amended Record on Appeal for 30 days after this Court would rule upon the relief sought in the Appellants Motion for Reconsideration.

The supporting grounds for this motion are twofold: lack of jurisdiction of this Court and the Appellant's excusable neglect towards timely responding to the Respondent's motion as set forth in Appellant's annexed affidavit.

Respectfully submitted,



Charles E. Houston Jr
100 Shady Brooke Walk
Fayetteville, Georgia 3024

Appellant, *Pro Se*

Fayetteville, Georgia
November 19, 2020

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

APPEAL FROM BEAUFORT COUNTY

HON. EDGAR W. DICKSON, JUDGE

APPELLATE CASE NO. 2019-001676

Charles E. Houston Jr

Appellant

V.

Shirley J. Boone As the Administrator of the Estate of Dean B. Bell,
The Law Offices of Dean B. Bell, LLC and B. Hammel Properties, LLC

Respondents

APPELLANT'S AFFIDAVIT IN SUPPORT OF MOTION

Charles E. Houston Jr
100 Shady Brooke Walk
Fayetteville, Georgia 3024
charlesehouston@icloud.com
Appellant, *Pro Se*

Fayetteville, Georgia
November 19, 2020

RECEIVED

NOV 23 2020

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

AFFIDAVIT

Personally, appeared before me the Affiant, Charles E. Houston Jr., who upon being duly sworn, deposes and states the following:

First:

On July 15, 2020 an Order of Remittitur was issued by this Court remanding jurisdiction of this appeal back to the Circuit Court for the purpose of acquiring a substitution of party defendant in this action. Dean B. Bell, a Defendant-Respondent in this case died on May 28, 2020 and all activity was suspended on this appeal until a substitution of party would have been procured.

Second:

On July 1, 2020 the Respondent, B. Hammel Properties, LLC filed its Motion for certain items to be added and others deleted from the Record on Appeal as it had been filed by the Appellant.

Third:

That though the Appellant was properly served with this Motion he did not acquire knowledge of its filing and the Court granting its Order of October 15, 2020 upon it until on or about October 23, 2020; and then by happenstance as will be explained.

Fourth:

With the Court's Order of Remittitur in effect and jurisdiction of this case having been remanded back to the Circuit Court, the Appellant's attention was focused on completing the assignment of duties set forth in that Order and predicated upon that fact, reasonable presumed that no other activity would transpire before this Court while jurisdiction was vested in the Circuit Court.

FIFTH:

That during this summer period the Appellant was transitioning his residence from Georgia to South Carolina spending approximately

95% of the time in South Carolina in a transient status while seeking to establish a permanent resident abode in South Carolina.

Sixth:

That your -Appellant-Affiant continued to maintain his mailing address at 100 Shady Brooke Walk, Fayetteville, SC but did not, beginning in July 2020, have anyone to check his mail as he was not expecting any mail of significance. Likewise, though counsel for the Respondent did furnish the Appellant with a courtesy copy of his motion, Appellant's emails were not scanned with regular high scrutiny as noting of significance was expected such as Respondent's motion during the time this matter pending before the Circuit Court.

Seventh:

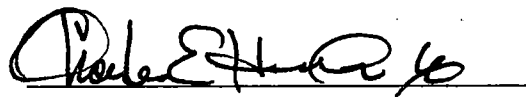
On October 14, 2020 your Appellant submitted for filing with this Court, a copy of the October 13, 2020 Order of the Circuit Court ordering the appointment of a substitute party defendant. This was followed by a telephone call to the Court's case administrator on or about October 23, 2002 seeking acknowledgement of the Court's receipt of the Order of the Circuit Court and further making query as to whether this Court would issue an Order *sue sponte* to reassume

jurisdiction of this case and having it restored upon the Court's docket or should the Appellant draft a proposed Order to be presented to the Court.

EIGHTH:

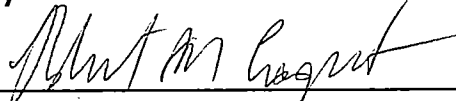
That during this discussion the Court Administrator began reading the calendar of events from the Court's file and mentioned the Court's Order of October 15, 2020 granting to the Respondent their desired modifications to be made to the Record on Appeal. This was the Appellant's first time acquiring actual knowledge of the Motion and the subsequent Order.

Further, Affiant says not.


Charles E. Houston, Jr.

Sworn to before me this 20th

Day of November 2020.


Notary Public for South Carolina
My Commission expires: 02-03-2030



THE STATE OF SOUTH CAROLINA **RECEIVED**

IN THE COURT OF APPEALS NOV 23 2020

SC Court of Appeals

CERTIFICATE OF SERVICE

The undersigned, Charles E. Houston, Jr., hereby avers that he is the Appellant in the action herein and that a true and accurate copy of the Appellant's Motion For Extension of Time and/or Out of Time to File the Amended Record on Appeal and the Appellant's Motion for Reconsideration in the above entitled action has been served upon all counsels of record by placing same in the United States Mail with sufficient first class postage affixed thereto and addressed as follows:

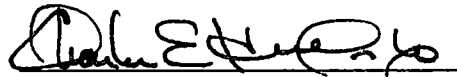
W. Cliff Moore, III
Adams and Reese, LLP
PO Box 2285
Columbia, SC 29202
Cliff.Moore@arlaw.com
And

Thomas C. Taylor, Esquire
Law Offices of Thomas C. Taylor, LLC
PO Box 5550
Hilton Head Island, SC 29938
tom@thomastaylorlaw.com
Attorneys for B. Hammel Properties, LLC

And

Marc P Henry, Esq.
Offerman & King, LLC
6420 Wellington Pl
Beaumont, TX 77706
mph@offermanking.com
Attorney for Shirley J. Boone
As the Administrator of the
Estate of Dean B. Bell

This 30th Day of November 2018.

A handwritten signature in black ink, appearing to read "Charles E. Houston Jr.", written over a horizontal line.

By: Charles E. Houston Jr.

Charles E. Houston, Jr.
100 Shady Brooke Walk
Fayetteville, Georgia 30214

843-684-0211

emailcharlesehouston@icloud.com

November 20, 2020
Fax: 803-734-1839

Hon. Jenny Abbott Kitchings
Clerk of Court
The South Carolina Court of Appeals
P.O. Box 1629
1220 Senate Street
Columbia, South Carolina 29201

RECEIVED
NOV 23 2020
SC Court of Appeals

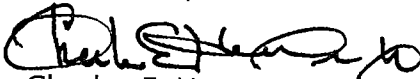
Charles E. Houston Jr. V. Shirley J. Boone, et. al
Appellate Case No. 2019-001676
Appellant's Motion to File Amended or
Supplemental Reply

Dear Ms. Kitchings:

I am submitting for filing with the Court the Appellant's Motion for an Extension of Time /or Out of Time to File the Amended Record on Appeal and a Motion for Reconsideration along with the Proof of Service upon all counsels of record. Additionally, a check for Fifty (\$50.00) is enclosed to cover the filing fee.

By copy of this letter via U. S. Mail and email, I have furnished and served a copy of the same upon the Respondents' counsels as indicated on the enclosed Proof of Service.

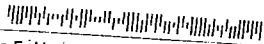
With kind regards, I remain
Respectfully


Charles E. Houston, Jr.

cc: W. Cliff Moore III Esq.
Thomas C. Taylor, Esq.
Dean B. Bell, Esq.

Encls: as stated

Charles E. Houston, Jr.
100 Shady Brooke Walk
Fayetteville, Georgia 30214



U.S. POSTAGE
\$1.80
EPA, LLC ENV
11/23/20
08 7 25/23
11-67121



F
USPS FIRST-CLASS MAIL®

4.50 02

SHIP
TO:

Columbia SC 29201



(420) 29201

Hon. Jenny Abbott Kitchings
Clerk of Court
The South Carolina Court of Appeals
P.O. Box 1629
1220 Senate Street
Columbia, South Carolina 29201

RECEIVED
NOV 23 2020
SC Court of Appeals