

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM YORK COUNTY
In The Circuit Court

William A. McKinnon, Circuit Court Judge

Appellate Case No. 2019-001061

RECEIVED

Sep 10 2020

SC Court of Appeals

James Stephen Nivens and
Carolyn Nivens,

Appellants,

v.

JB & E Heating & Cooling, Inc.,

Respondent.

MOTION FOR EXTENSION OF TIME


Pursuant to Rules 263(b) and 240, S.C.A.C.R., the Appellants, by their counsel undersigned, move this Court for an extension of time in which to file the Record on Appeal, on the grounds stated below:

1. According to this Court’s Rules of Procedure and this Court’s Order of continuance, the Record on Appeal is due as of April 10th, 2020.
2. Due to the press of business, counsel for Appellants is unable to complete the Record on Appeal as of this date.
3. It is counsel’s intention to serve the Record on Appeal within twenty (20) days from this date, that is, on or before Wednesday, September 30th, 2020. He files this Motion to request an extension through that date.

The basis of this Motion is the within-cited Rules, the records of this appeal, which items are hereby incorporated in this Motion.

WHEREFORE, the Appellants herein move this Court move this Court for an order granting an extension of time in which to file the Record on Appeal, on the grounds stated herein.

September 10, 2020



John Martin Foster
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(803) 324-8100
Attorneys for Appellants

Other Counsel of Record:

James W. Boyd
1544 Ebenezer Road
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CERTIFICATE OF SERVICE

I certify that I have served the Appellants' Motion for Extension of Time, dated September 10, 2020, on the following counsel or persons of record:

James W. Boyd
1544 Ebenezer Road
Rock Hill, S.C. 29732
Attorney for Respondent
803 328-2600

by depositing the same with the United States mail, with sufficient first class postage attached, properly addressed to the clerk of the Court, and with a copy also directed to the respective last known address(es) of those attorney(s) and/or persons set out above, pursuant to Rule 262(b), S.C.A.C.R.

September 10, 2020



John Martin Foster
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803 324-8100
Attorney for Appellants

JM FOSTER LAW OFFICE

Fax Cover This is a confidential message, intended solely for the person(s) to whom it is addressed. If you receive this message in error, please forward it to the correct person, or mail it back to us. Thank you.

To **The Honorable Jenny Abbott Kitchings**
Clerk of the South Carolina Court of Appeals

Fax No. 803-734-1839

From John Martin Foster

Date/Time 09/10/20 at 1:12 PM

Subject NIVENS v. JB & E HEATING & COOLING.
Appellate Case No. 2019-001061

Pages 4 Pages, including this one

RECEIVED**Sep 10 2020****SC Court of Appeals**

Dear Ms. Kitchings:

In accordance with Paragraph (c)(4) of the Order of the Supreme Court dated May 29, 2020, attached for filing is our Motion for Extension of Time to file the Record on Appeal in the above matter.

Also attached is the Certificate of Service of the same on opposing counsel.

It is my reading of Paragraph I(i) of the same Order that no filing fee is required for this Motion, If I am incorrect, please inform me and the fee will be sent.

- John Martin Foster

cc: James W. Boyd
1544 Ebenezer Road
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803 328-2600

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