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THE STATE OF SOUTH CAROLINA
In the Court of Appeals
APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

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FEB 01 2021

SC Court of Appeals

Edgar W. Dickson, Circuit Court Judge

Appellate Case No. 2020-000384

Melissa Dixon and Willard Dixon.....Respondents,

v.

Lansing Pattee, Stephanie Pattee, Weekley Homes, LLC f/k/a Weekley Homes, L.P. d/b/a David Weekley Homes, John Doe, A2Z Advanced Home Inspections, LLC, Fidelity and Deposit Company of Maryland, and Westchester Fire Insurance Company.....Defendants,

And

Lansing Pattee and Stephanie Pattee.....Third Party-Plaintiffs,

v.

Gutter Pros, LLC.....Third- Party Defendant,

Of whom Weekley Homes, LLC f/k/a Weekley Homes, L.P. d/b/a David Weekley Homes, is the Appellant

And

Lansing and Stephanie Pattee are Respondents.

APPELLANT’S MOTION TO FILE RECORD ON APPEAL OUT OF TIME

Appellant Weekley Homes, LLC f/k/a Weekley Homes, L.P. d/b/a David Weekley Homes (“Appellant”) hereby moves to file the Record on Appeal out of time. Appellant offers the following not as an excuse, but as an explanation for its error:

1. Appellant filed its initial reply brief with this Court on November 12, 2020. The Record on Appeal therefore came due on December 14, 2020 (December 12, 2020 fell on a Saturday).

2. On December 14, 2020, Appellant served the Record on Appeal on all parties. Proof of Service of the Record of Appeal was filed with this Court on the same day.

3. Appellant timely filed its final briefs on January 4, 2021. Respondent requested an extension on January 4, 2021 and filed its final brief on January 14, 2021.

4. In filing its final briefs with the Court on January 4, 2021, Appellant made an oversight and failed to enclose the Record on Appeal.

6. Appellant was not aware of its error until the Court provided notice of deficiencies on January 27, 2021, advising counsel that it had not received a copy of the Record on Appeal.

7. The Record on Appeal is already complete and had been circulated among the parties as of December 14, 2020.

Appellant files herewith the Record on Appeal and asks that this Court excuse its error in not filing it in a timely fashion.

Respectfully Submitted,

s/ Jennifer S. Ivey

John P. Linton, Jr. (SC Bar #79130)

Jennifer S. Ivey (SC Bar #102533)

Walker Gressette Freeman & Linton, LLC

P.O. Box 22167

Charleston, SC 29413

(843) 727-2200

Attorneys for Appellant

Charleston, South Carolina
January 29, 2021

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And

Lansing and Stephanie Pattee are Respondents.

PROOF OF SERVICE

I certify that I have served the **Appellant’s Motion to File Record on Appeal Out of Time** by electronic mail on January 29, 2021, addressed to their attorneys of record:

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Nancy Jane Dennis
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Thomas P. Gressette, Jr.
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John P. Linton, Jr.
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Jennifer S. Ivey

JENNIFER S. IVEY
Direct: 843.727.2216
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January 29, 2021

BY US MAIL

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

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FEB 01 2021
SC Court of Appeals

Re: Dixon v. Weekley Homes, LLC fka Weekley Homes, LP dba David Weeks et al.
Appellate Case No. 2020-000384
WGFL File No.: 8039.004

Dear Ms. Kitchings:

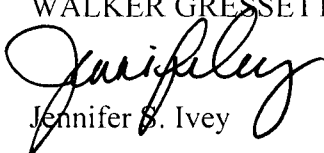
In response to the Court's deficiency letters of January 27, 2021, enclosed please find the Record on Appeal, Appellant's Motion to File Record on Appeal Out of Time with Proof of Service, and the \$50 filing fee.

Also, enclosed please find Appellant Counsel's Certificate of Counsel of the Final Brief and the Final Reply Brief.

Your courtesies and consideration of this matter are greatly appreciated.

Sincerely yours,

WALKER GRESSETTE FREEMAN & LINTON, LLC


Jennifer S. Ivey

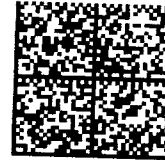
Enclosures (As Stated)

c: Gregory L. Hyland, Esq. *(via email only)*
Samuel M. Wheeler, Esq. *(via email only)*
Steven L. Smith, Esq. *(via email only)*
Zachary J. Closser, Esq. *(via email only)*
C. Steven Moskos, Esq. *(via email only)*

**WALKER
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