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**Mar 05 2021**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

APPEAL from Court of Common Pleas of CHARLESTON COUNTY

Capers G. Barr, III, Special Referee

Appellate Case No. 2021-000185

Case No. 2019-CP-10-03042

Judith A. Brown, as Personal Representative for the Estate of Mildred C. Knight, and Norman R. "Bobby" Knight III, Appellants

v.

Chloe Knight Tonney, Respondent.

**MOTION TO REQUEST PERMISSION TO FILE APPELLANTS' NOTICE OF APPEAL ON LOWER COURT CLERK OF COURT WITH PROOF OF SERVICE OUTSIDE OF FILING DEADLINE**

NOW come Appellants to request permission to file Appellants' Notice of Appeal with exhibits and proof of service at the Clerk of the Lower Court outside of the filing deadlines set by Rule 203(d)(B) of the SCACR. Further, Appellants request permission to file the same exhibits in the Appellate Court. The exhibits are copies of the orders to be challenged on appeal.

Counsel for Appellants, during preparation of the appeal documents was distracted (has been displaced from residence due to a fire on 1/30/2021) and mistook certain similar materials for the present filings and inadvertently omitted the material subject to this motion. All filings were originally due on March 1, 2021 because service of the Notice of Appeal and other material occurred on February 17, 2021.

In this Appeal, Appellants timely served their Notice of Appeal on "all respondents within thirty (30) days after receipt of written notice of entry of the order. . ." Rule 203(b)(1) SCACR. The time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rules 203 and 243 may be extended or shortened by the appellate court, or by any judge or justice thereof. . . Rule 263(b), SCACR. Appellants' inadvertence has not disadvantaged Respondent or caused any confusion for the Appellate Court. The necessary official notice to the Lower Court can be made without affecting the merits of the issues raised by the appeal.

Continued on next page





# WHIPPER LAW FIRM

*Attorneys and Counselors at Law*

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North Charleston, SC 29405  
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**SC Court of Appeals**

CHERYL WHIPPER HAMILTON  
J. SETH WHIPPER

MAILING ADDRESS  
POST OFFICE BOX 70070  
NORTH CHARLESTON, SC 29415

March 5, 2021

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Faxed and Mailed USPS

**Re: Judith A. Brown, as Personal Representative for the Estate of Mildred C. Knight, and Norman R. "Bobby" Knight III, Appellants  
v. Chloe Knight Tonney, Respondent. Appellate Case No. 2021-000185**

**MOTION TO REQUEST PERMISSION TO FILE APPELLANTS' NOTICE OF APPEAL ON LOWER COURT CLERK OF COURT WITH PROOF SERVICE OUTSIDE OF FILING DEADLINE – For Filing  
PROOF OF SERVICE - For Filing**

Dear Mrs. Kitchings:

Please find enclosed for filing, the Appellants' Motion to Request Permission to File Out of Time. I am enclosing the original and (7) copies of the same for conforming. Check No. 10785, in the amount \$50.00 for the requisite filing fee is also enclosed. I am providing a self-addressed, stamped envelope for your use in returning the conformed copy.

Sincerely,

WHIPPER LAW FIRM

J. Seth Whipper, (SC Bar No. 6061)

JSW:cfw

Enclosures

cc: Charles S. Altman  
Norman R. "Bobby" Knight, III (w/o encl.)

# FAX TRANSMISSION

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**SC Court of Appeals**

**To:** SC Court of Appeals  
ATTN: Jenny Kitchings, Clerk  
803/734-1839 Fax  
803/734-1891 Phone

**Date:** March 5, 2021

Charles Altman  
843/722-5702 Fax  
843/853-9907 Phone

**Pages:** 5, including this cover sheet.

**From:** J. Seth Whipper 

**Subject:** MOTION TO REQUEST PERMISSION TO FILE APPELLANTS' NOTICE OF APPEAL ON LOWER COURT CLERK OF COURT WITH PROOF OF SERVICE OUTSIDE OF FILING DEADLINE **Appellate Case No. 2021-000185, Proof of Service, Cover Letter**

**COMMENTS:** Please find enclosed for filing, the Appellants' Motion to Request Permission to File Out of Time and Proof of Service. Please contact me with questions or comments.

**The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service. Thank you.**