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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J.C. Nichoson, Jr., Circuit Court Judge

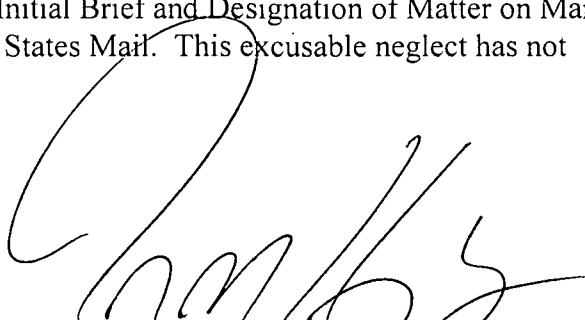
Case No. 2012-CP-10-2802

Discover Bank,.....Appellant,
v.
Jay Brown a/k/a John G. Brown, III,.....Respondent.

MOTION TO SERVE OUT OF TIME

The Appellant herein moves the Court for permission to serve out of time the Initial Brief and Designation of Matter to be Included in the Record on Appeal. The Appellant's Initial Brief and Designation of Matter were due to be served on the Respondent and filed with the Clerk of Court of Appeals on March 25, 2013; however, the Appellant mistakenly mailed the Respondent's copy of the Initial Brief and Designation of Matter to the Clerk of Court of Appeals. Thereafter, the Appellant served the Respondent with the Initial Brief and Designation of Matter on March 27, 2013 by depositing a copy of in the United States Mail. This excusable neglect has not prejudiced the Respondent.

March 27, 2013



Trevor M. Hughey
of SMITH DEBNAM NARRON DRAKE
SAINTSING & MYERS, L.L.P.
P. O. Box 26268
Raleigh, NC 27611-6268
(919) 250-2000
Attorney for Appellant

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MAR 29 2013

SC Court of Appeals

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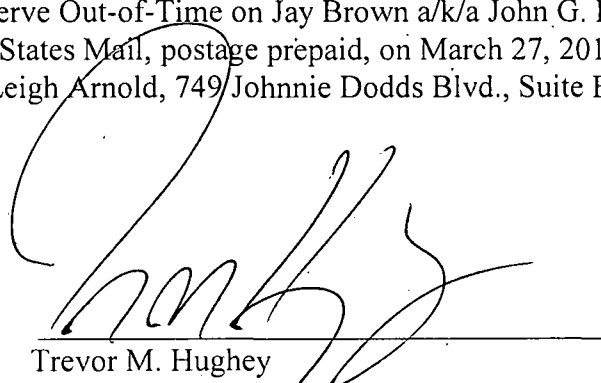
Case No. 2012-CP-10-2802

Discover Bank,.....Appellant,
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PROOF OF SERVICE

I certify that I have served the Motion to Serve Out-of-Time on Jay Brown a/k/a John G. Brown, III by depositing a copy of it in the United States Mail, postage prepaid, on March 27, 2013 addressed to his attorney of record, Mary Leigh Arnold, 749 Johnnie Dodds Blvd., Suite B, Mount Pleasant, SC 29464.

March 27, 2013



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ATTORNEYS AT LAW

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March 27, 2013

Telephone: (919) 250-2000
Facsimile: (919) 250-2100

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

RE: Discover Bank, Appellant v. Jay Brown a/k/a John G. Brown II, Respondent.
Case No. 2012-CP-10-2802

Dear Ms. Kitchings:

Enclosed for filing is the Proof of Service and Motion to Serve out of Time in the above case.

Sincerely,

Trevor M. Hughey
of SMITH DEBNAM NARRON DRAKE
SAINTSING & MYERS, L.L.P.
P. O. Box 26268
Raleigh, NC 27611-6268
(919) 250-2000
Attorney for Appellant

cc: Ms. Mary Leigh Arnold
Mary Leigh Arnold, P.A.
749 Johnnie Dodds Blvd, Ste. B
Mount Pleasant, SC 29464
(843) 971-6053
Attorney for Respondent

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