

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM YORK COUNTY  
In The Circuit Court

Teasa K. Weaver, Circuit Court Judge

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Appellate Case No. 2021-000480

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Jimmy Shaver,

Respondent,

v.

Donnie Shaver,

Appellant.

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MOTION TO REINSTATE APPEAL,  
FOR EXTENSION OF TIME or TO FILE OUTSIDE TIME

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Pursuant to Rule 240, S.C.A.C.R., the Appellant, by his counsel undersigned, moves this Court for an order reinstating the appeal above, and granting an extension of time to order one of the transcripts required, or to file outside time, on the grounds stated below:

1. The Order of this Court dated June 4<sup>th</sup>, 2021 dismisses the above appeal for failure to order the transcript, as required by Rule 207, S.C.A.C.R.
2. Counsel for Appellant had, in fact, procured the Transcript to the trial prior to filing the appeal and should have indicated that fact. He had not requested, by the date of the Order of Dismissal, requested the transcript of the Rule 59 Hearing. That action has now taken place and that transcript has now been ordered..
3. With apologies to this Court, it is submitted that no prejudice has been worked to the

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**Jun 14 2021**

**SC Court of Appeals**

Respondent or his counsel by this oversight. The Appellant respectfully requests that the Appeal be reinstated, and that as necessary the Appellant be allowed an extension of time or the right to request a transcript outside time.

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 Appellant herein moves this Court move this Court for an order reinstating the appeal above, and granting an extension of time to order one of the transcripts required, or to file outside time, on the grounds stated above:

June 14, 2021

  
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John Martin Foster  
Post Office Box 106  
Rock Hill, South Carolina 29731  
(803) 324-8100  
Attorney for Appellant

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CERTIFICATE OF SERVICE

I certify that I have served the Appellant's Motion for to Reinstate Appeal, and for an extension of time, or to file late, as to the Request for Transcript on the following counsel or persons of record:

Stephen D. Schusterman  
P.O. Box 4211  
Attorney for Respondents  
Rock Hill, South Carolina 29731

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.

June 14, 2021

  
John Martin Foster  
Post Office Box 106  
Rock Hill, S. C. 29731-6106  
803 324-8100  
Attorney for Appellant