

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

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Aug 25 2021

Teasa K. Weaver, Master-in-Equity

SC Court of Appeals

Appellate Case No. 2021-000703

Cole Creek Homeowners Association, Inc.,Respondent,

v.

Stacey D. Poole,Appellant.

MOTION TO REINSTATE APPEAL
AND TO EXTEND TIME TO ORDER TRANSCRIPT

Appellant hereby moves pursuant to Rules 260(a) and 263(b), SCACR, for an order reinstating this appeal and extending the time in which to order the transcripts of the proceedings below. The grounds for this motion are that there is good cause to grant the requested relief, extend this non-jurisdictional deadline to accommodate unusual circumstances, and reinstate this appeal, as the following shows:

1. Appellant’s counsel takes full responsibility for his errors that resulted in the dismissal of this appeal for failure to file proof of ordering the transcripts in this case. He failed to provide this information to the court, and that is his fault.
2. There is, however, good cause to reinstate this appeal.

3. Appellant's counsel took this case over at the trial level from Appellant's previous counsel.
4. Appellant's counsel was unaware who the court reporter was for the hearing that produced the primary order subject of this appeal. That hearing took place when Appellant was represented by her previous counsel. That attorney was unable to provide information for who the court reporter was for that hearing or whether it was transcribed. The undersigned has asked opposing counsel for that information but has not heard back (opposing counsel is in trial). The master-in-equity's office has an audio recording of that hearing, and the undersigned will get the recording transcribed if no court reporter was present for the hearing.
5. Appellant's counsel has contacted the court reporter who transcribed the hearing on the motion to reconsider (different hearing) about obtaining that transcript and expects it soon.
6. In any event, while Appellant's counsel was certainly remiss and at fault for not communicating the situation to the court earlier, he may not have been able to make arrangements to order the transcript anyway.
7. This appeal is young, and no unfair prejudice would inure to the Respondent or the court through it being reinstated.

WHEREFORE Appellant prays for an order reinstating this appeal and extending the time in which to order the transcripts of the proceedings below.

Respectfully submitted,

/s/ Andrew S. Radeker
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August 25, 2021