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Aug 26 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM YORK COUNTY
TEASA K. WEAVER, MASTER-IN-EQUITY
Appellate Case No. 2021-000816

Vicki Lynn Vergeldt, individually and as
Successor Trustee of the John Vergeldt, Jr.
Revocable living Trust dated September 27, 1978,Respondent,

v.

John Edward Vergeldt,Appellant.

**MOTION TO ACCEPT REQUEST FOR TRANSCRIPT AND NOTICE OF RECEIPT
OF TRANSCRIPTS OUT OF TIME**

Appellant John Edward Vergeldt (“Appellant”) filed a notice of appeal on August 2, 2021, and now files this motion to address deficiencies noted by correspondence from the Clerk of Court dated August 18, 2021. To wit, two transcripts have just recently been requested, but past the deadline to do so pursuant to Rule 207, SCACR. See **Exhibits A and B** for documentation regarding those requests. Further, two other available transcripts¹ are now in the possession of the Appellant, but notice thereof not filed previously in a timely manner for this matter. See **Exhibits C and D** for documentation regarding receipt of those transcripts.

Accordingly, Appellants respectfully move this Court for relief as follows:

¹ Appellant has learned that there is no audio recording of an additional relevant hearing below that occurred on June 13, 2019, and as such there will not be a transcript from such hearing.

(A) Acceptance of Appellant's order of two transcripts out of time, as documented in **Exhibits A and B**; and

(B) Acceptance of Appellant's notice of receipt of transcripts out of time, as documented in **Exhibits C and D** to this motion.

Respectfully submitted,

s/ Desa Ballard

Desa Ballard

Harvey M. Watson III

BALLARD & WATSON
226 State Street
West Columbia, SC 29169
Telephone 803.796.9299
Facsimile 803.796.1066
desab@desaballard.com
harvey@desaballard.com

ATTORNEYS FOR APPELLANT

August 26, 2021

Beth Cogan

From: Krecek, Robin <Robin.Krecek@yorkcountygov.com>
Sent: Tuesday, August 24, 2021 4:35 PM
To: Beth Cogan
Subject: RE: (Vergeldt v. Vergeldt 2016-CP-46-00820) Transcript request form

Hi Beth,

Yes, the June 17, 2020 hearing was a WebEx hearing and we have the recording. Our policy is for you to make arrangements, including payment, with a court reporter to receive the recording for transcription and I will give it directly to him or her. Once you have the arrangements, please have him, her or the agency contact me. Also, please let me know who I should expect to hear from, just to be sure. Thank you, Beth.

Respectfully,

Robin

Robin Krecek, ACP, SCCP

[Court Manager](#)

Master in Equity

York County Government

Physical Address

York County Courthouse

2 S Congress Street, 2nd Floor

York, SC 29745

Mailing Address

P.O. Box 627

York, SC 29745

Robin.Krecek@yorkcountygov.com

Phone: 803-628-3930



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attachments, may be subject to the South Carolina Freedom of Information Act and may be disclosed to third parties in accordance with applicable law."

From: Beth Cogan <Beth@desaballard.com>
Sent: Tuesday, August 24, 2021 4:17 PM
To: Krecek, Robin <Robin.Krecek@yorkcountygov.com>
Subject: RE: (Vergeldt v. Vergeldt 2016-CP-46-00820) Transcript request form

WARNING: The email below is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Robin,
Are you able to assist with the transcript request for the hearing on June 17, 2020?

-B

From: Krecek, Robin <Robin.Krecek@yorkcountygov.com>
Sent: Tuesday, August 24, 2021 2:27 PM
To: Beth Cogan <Beth@desaballard.com>
Subject: RE: (Vergeldt v. Vergeldt 2016-CP-46-00820) Transcript request form

Hi,

Below is my original email response to your request, for your convenience.

Robin Krecek, ACP, SCCP

[Court Manager](#)

*Master in Equity
York County Government*

Physical Address

*York County Courthouse
2 S Congress Street, 2nd Floor
York, SC 29745*

Mailing Address

*P.O. Box 627
York, SC 29745*

Robin.Krecek@yorkcountygov.com

Phone: 803-628-3930



Transcript Request Form

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter and to South Carolina Court Administration at transcripts@sccourts.org. Click [here](#) for instructions on how to find the court reporter's email and mailing addresses. Once the court reporter receives your request, it will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to any party. Please send by mail a money order or certified bank check to the court reporter in order to obtain the transcript. Some court reporters may accept personal checks. Please check with the court reporter to see if this option is available. Once your request is received, you will receive a copy of this form with the bottom portion completed. Please promptly submit your payment in order for the transcript to be provided. If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.

Requestor's Information			
Full Name Desa Ballard	Phone Number 803-796-9299	Email Address beth@desaballard.com	
Mailing Address 226 State Street	City West Columbia	State SC	Zip Code 29169
Transcript Information			
Docket Number 2016-CP-46-00820	Case Caption (i.e. State v. John Doe or Smith v. Smith) Vergeldt v. Vergeldt		
Date(s) of Proceeding June 17, 2020	Circuit <input type="checkbox"/> MIE Family <input type="checkbox"/>	County York	
Presiding Judge Teasa K. Weaver	Expedited Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Court Reporter(s) _____	Opposing Counsel Taylor Peace		

Requestor's Signature: Desa Ballard
(Typed name will serve as signature)

Date: 8/24/2021

Note: If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter.

For Court Reporter Use Only			
Full Name _____	Date Received _____	Email Address _____	
Notice of Estimate to Requestor Party Date: _____ Number of Pages: _____ Estimated Amount _____			
Mailing Address for Payment _____	City _____	State _____	Zip Code _____

Beth Cogan

From: Krecek, Robin <Robin.Krecek@yorkcountygov.com>
Sent: Wednesday, August 25, 2021 4:11 PM
To: Beth Cogan
Subject: RE: (Vergeldt v. Vergeldt 2016-CP-46-00820) Transcript request form (May 9, 2018)

AmicusId: 440767
AmicusStatus: Saved
AmicusFileName: Vergeldt, John E.
AmicusFilelds: 2607

Hi Beth,

Yes, we have Judge Kimball’s May 9, 2018 audio recording for this action. Please let me know whether Paul Greathouse with Garber Reporting is to receive this recording in addition to the recording we sent him earlier today. Thank you.

Respectfully,

Robin

Robin Krecek, ACP, SCCP

[Court Manager](#)

*Master in Equity
York County Government*

Physical Address

*York County Courthouse
2 S Congress Street, 2nd Floor
York, SC 29745*

Mailing Address

*P.O. Box 627
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Robin.Krecek@yorkcountygov.com
Phone: 803-628-3930



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message in error, please contact the sender by reply e-mail or telephone immediately and destroy all copies of the original message. "Any information provided on this email, including any attachments, may be subject to the South Carolina Freedom of Information Act and may be disclosed to third parties in accordance with applicable law."

From: Beth Cogan <Beth@desaballard.com>

Sent: Wednesday, August 25, 2021 11:57 AM

To: Krecek, Robin <Robin.Krecek@yorkcountygov.com>

Subject: (Vergeldt v. Vergeldt 2016-CP-46-00820) Transcript request form (May 9, 2018)

WARNING: The email below is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Robin,

Please see the attached transcript request form for the above-referenced matter.

Kindest Regards,

-Beth

Beth Cogan, Paralegal

Ballard & Watson, Attorneys at Law

226 State Street

West Columbia, South Carolina 29169

803.796.9299

803.796.1066 Facsimile

beth@desaballard.com

www.desaballard.com

Transcript Request Form

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter and to South Carolina Court Administration at transcripts@sccourts.org. Click [here](#) for instructions on how to find the court reporter's email and mailing addresses. Once the court reporter receives your request, it will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to **any** party. Please send by mail a money order or certified bank check to the court reporter in order to obtain the transcript. Some court reporters may accept personal checks. Please check with the court reporter to see if this option is available. Once your request is received, you will receive a copy of this form with the bottom portion completed. Please promptly submit your payment in order for the transcript to be provided. If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.

Requestor's Information			
Full Name Desa Ballard	Phone Number 803-796-9299	Email Address beth@desaballard.com	
Mailing Address 226 State Street	City West Columbia	State SC	Zip Code 29169
Transcript Information			
Docket Number 2016-CP-46-00820	Case Caption (i.e. State v. John Doe or Smith v. Smith) Vergeldt v. Vergeldt		
Date(s) of Proceeding May 9, 2018	Circuit <input type="checkbox"/> MIE Family <input type="checkbox"/>	County York	
Presiding Judge S. Jackson Kimball	Expedited Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Court Reporter(s) _____	Opposing Counsel Adam Silvernail		

Requestor's Signature: Desa Ballard
(Typed name will serve as signature)

Date: 8/25/21

Note: If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter.

For Court Reporter Use Only			
Full Name _____	Date Received _____	Email Address _____	
Notice of Estimate to Requestor Party Date: _____ Number of Pages: _____ Estimated Amount _____			
Mailing Address for Payment _____	City _____	State _____	Zip Code _____

Beth Cogan

From: Paul Greathouse <pgreathouse@garberreporting.com>
Sent: Friday, April 30, 2021 12:38 PM
To: Desa Ballard
Cc: Beth Cogan
Subject: Hearing Proceedings - 03/17/2021 Transcript
Attachments: 210317LD.HRG_full.pdf; 210317LD.HRG_cond.pdf; 210317LD.HRG.ptx

Follow Up Flag: Follow up
Flag Status: Completed

AmicusId: 432013
AmicusStatus: Saved
AmicusFileName: Vergeldt, John E.
AmicusFileIds: 2607

Re: **Vicky Lynn Vergeldt. etc. vs John Edward Vergeldt**
Transcript of: Hearing Proceedings
Taken on: March 17, 2021

Desa & Beth,

Attached are the transcript files from the March 17, 2021 Hearing Proceedings. We'll have the sealed original copy and our invoice to you soon. Please let us know if you have any questions or need anything further.

Thanks,

Paul W. Greathouse
Garber Reporting Service
pgreathouse@garberreporting.com
803-256-4500 (office)
336-250-3326 (cell)



Beth Cogan

From: Taylor Peace <tpeace@hmp-law.com>
Sent: Sunday, February 14, 2021 2:52 PM
To: Desa Ballard
Cc: Tracy Slice Moore
Subject: Vergeldt v. Vergeldt (2016-CP-46-00820)-Motion to Reconsider
Attachments: Trial Transcript - Day 1.pdf; Trial Transcript - Day 2.pdf

AmicusId: 426717
AmicusStatus: Saved
AmicusFileName: (Pending) Vergeldt, John E.
AmicusFileIds: 2607

Desa,

It was a pleasure speaking with you Friday. Friday afternoon got away from my paralegal and me, and we weren't able to get the trial transcript for this case over to you.

I've attached the transcript to this email. Once you've had a chance to review it, please let me if you need anything further or have any questions.

Thanks,

Taylor A. Peace, Esq.
Harrell, Martin & Peace, P.A.
135 Columbia Avenue (Physical Address)
P.O. Box 1000 (Mailing Address)
Chapin, South Carolina 29036
Telephone: (803) 345-3353
Fax: (803) 345-9171
tpeace@hmp-law.com

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Aug 26 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM YORK COUNTY
TEASA K. WEAVER, MASTER-IN-EQUITY
Case No. 2021-000816

Vicki Lynn Vergeldt, individually and as
Successor Trustee of the John Vergeldt, Jr.
Revocable living Trust dated September 27, 1978,Respondent,

v.

John Edward Vergeldt,Appellant.

PROOF OF SERVICE

I, Beth Cogan, an employee with Ballard & Watson, do hereby certify that on August 26, 2021, I served a copy of the **Motion to Accept Request for Transcript and Notice of Receipt of Transcripts Out of Time**, in the above-captioned case on the following individuals by electronic mail using their email address listed in the Attorney Information System, addressed as follows:

**Taylor Peace, Esquire
Harrell, Marin & Peace, P.A.
tpeace@hmp-law.com**



Beth Cogan, Paralegal

August 26, 2021

Beth Cogan

From: Beth Cogan
Sent: Thursday, August 26, 2021 5:19 PM
To: tpeace@hmp-law.com
Cc: Desa Ballard
Subject: (Vergeldt v. Vergeldt 2021-000816) Ltr to COA encl Motion to Accept Request for Transcript
Attachments: 2021 08 26 Ltr to COA encl Motion Out of Time.pdf; 2021 08 26 Motion for Extension of Time re transcript notice.pdf; 2021 08 26 POS Motion to file Out of time.pdf

Taylor,
Hope you and your family are well. Please see the attached Motion that is being filed with the COA.

Kindest Regards,
-Beth

Beth Cogan, Paralegal
Ballard & Watson, Attorneys at Law
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Ballard & Watson
Attorneys at Law
PERSISTENT. UNWAVERING.

Desa Ballard
Harvey M Watson III

226 State Street West Columbia, SC 29169
ph 803.796.9299 | fx 803.796.1066 | desaballard.com

August 26, 2021

Via Email (ctappfilings@sccourts.org)
The Honorable Jenny Abbot Kitchings
Court of Appeals Clerk of Court
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED
Aug 26 2021
SC Court of Appeals

Re: *Vicki Lynn Vergeldt, et al. v. John Vergeldt*
Appellate Case No.: 2021-000816

Dear Ms. Kitchings:

Enclosed for filing please find a Motion to Accept Request for Transcript and Notice of Receipt of Transcripts Out of Time and Proof of Service for the above-referenced matter. Pursuant to paragraph (c)(4) of the Supreme Court's amended administrative order dated May 29, 2020 ("Operation of the Appellate Courts During the Coronavirus Emergency" originally dated March 20, 2020) a check for the filing fee is being forwarded via US mail.

By copy of this letter and as evidenced by the Proof of Service, these filing has been served upon counsel for the Respondents. Thank you for your time in this matter. If you have any questions, please do not hesitate to contact our office.

With warm personal regards, I am,

Sincerely yours,

Desa Ballard

Desa Ballard
desab@desaballard.com

Enclosures

cc: *Via Electronic Mail*
Taylor Peace, Esquire
John Vergeldt