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Nov 05 2021

SC Court of Appeals

THE STATE OF SOUTH
CAROLINA IN THE COURT OF
APPEALS

Appeal from Orangeburg County
Judge James B. Jackson, Jr., Master in Equity

Appellate Case No. 2021-000787

Lyle Wilson Fairey, Jr.,

Appellant.

v.

Joy A. Gillespie, as Personal Representative of the
Estate of Martha Ann Fairey Gillespie,

Respondent,

MOTION FOR EXTENSION OF TIME TO FILE
AND SERVE INTIAL BRIEF OF RESPONDENT
AND DESIGNATION OF MATTERS TO BE
INCLUDED IN RECORD ON APPEAL

Now comes Respondent, Joy A. Gillespie, as Personal Representative of the Estate of Martha Ann Fairey Gillespie, by and through the undersigned attorney requesting an extension of the time to file the Initial Brief of Respondent and Designation of Matters to be Included in the Record on Appeal. The grounds for the Motion are as follows;

1) The Initial Brief and Designation of Matters to be Included in the Record on Appeal were filed with the Court on Friday, October 8, 2021. Therefore, the initial Brief of Respondent and Designation of Matters to be Included in the Record on Appeal are required to be filed no later than November 8, 2021.

2) Due to professional obligations of counsel as well as Respondent's recent surgery and inability for consultation, counsel has been unable to finalize the Initial Brief of Respondent and Designation of Matters in a timely manner. Due to upcoming and continuing professional

responsibilities and hearings, Counsel respectfully requests an extension until and including December 8, 2021, to file and serve the Initial Brief of Respondent and Designation of Matters to be Included in the Record on Appeal.

3) Counsel for Respondent has consulted with counsel for Appellant prior to filing this Motion, and counsel for Appellant has consented to the extension of time.

WHEREFORE, for the reasons stated above, Appellant requests an order allowing her to file and serve the Initial Brief of Respondent and Designation of Matters to be Included in the Record on Appeal not later than December 8, 2021.

November 5, 2021
Orangeburg, SC

s/ Robert F. McCurry, Jr.
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Other Counsel of Record:

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Attorney for Appellant

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PROOF OF SERVICE

I certify that I have served the Motion for Extension of Time to File and Serve Initial Brief of Respondent and Designation of Matters to be Included in Record on Appeal on Joy A. Gillespie, as Personal Representative of the Estate of Martha Ann Fairey Gillespie, Respondent, by emailing her attorney of record, Robert F. McCurry, Jr., of Horger Barnwell & McCurry, LLP, at his AIS email address (rfmccurry@hbrllp.com) in compliance with The Supreme Court of South Carolina's Amended Order 2020-05-29-02 RE: Operation of the Appellate Courts during the Coronavirus Emergency (As Amended May 29, 2020).

November 5, 2021

Orangeburg, SC

s/ Robert F. McCurry, Jr.

Robert F. McCurry, Jr., SC Bar No. 3762

Horger Barnwell and McCurry, LLP

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Attorney for Respondent

Other Counsel of Record:

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