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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM YORK COUNTY  
In the Court of Common Pleas

S. Jackson Kimball, Special Circuit Court Judge

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Case No.: 2007-CP-46-00119

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J.W. NEAL CONSTRUCTION, LLC, ..... Respondent,

v.

CORNELIA THOMAS, ..... Appellant.

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MOTION FOR EXTENSION OF TIME,  
OR, TO FILE OUTSIDE TIME

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Pursuant to Rules 240 and 263(b), S.C.A.C.R., the Respondent, by its counsel herein, moves this Court for an order granting it an extension of time in which to file its Brief and Designation of Matter to be included in the Record on Appeal, or to file outside time, on the grounds stated below:

1. On January 4, 2013, counsel for Respondent was incapacitated and underwent a heart bypass operation. After the operation and during recovery, he has been in a cardiac rehabilitation program: that program is slated to end in the coming week. He thus expects to be in his office on a full or part time basis beginning at that time.

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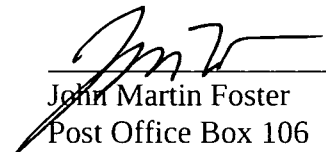
**SC Court of Appeals**

2. After his operation, counsel (through his secretary) sent an e-mail to this Court and Clerk, among others, on January 8, 2013.
3. By this Motion, and based upon the facts recited above, counsel for Respondent respectfully requests a reasonable extension of time to submit the Respondent's Brief and Designation of Matter to be included in the Record on Appeal.

The basis of this Motion is the within-cited Rules, the records of this appeal, and any attached records, affidavits or stipulations of the undersigned, which items are hereby incorporated in this Motion.

WHEREFORE, the Respondent herein moves this Court for an extension of time in which to file its Initial Brief and Designation of Matter to be included in the Record on Appeal for an additional period, or to file outside time, as set forth above, pursuant to Rules 240 and 263(b), S.C.A.C.R.

April 29, 2013

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

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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Case No.: 2007-CP-46-00119

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J.W. NEAL CONSTRUCTION, LLC, ..... Respondent,

v.

CORNELIA THOMAS, ..... Appellant.

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CERTIFICATE OF SERVICE

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I certify that on April 29, 2013, I served this Motion for Extension of Time, or, to File Outside Time, and this Certificate of Service on the following counsel of record, parties or persons:

Herbert W. Hamilton  
Hamilton, Martens & Ballou, LLC  
Post Office Box 10940  
Rock Hill, South Carolina 29731  
Attorneys for Appellant

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 below; or

by hand delivering copies of the same to the following persons, or by leaving the same at that person's office with that person's clerk or some other person in charge thereof, or by leaving

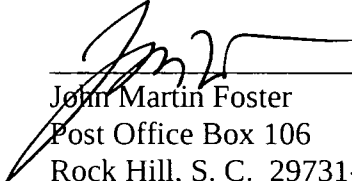
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MAY 01 2013

**SC Court of Appeals**

it in a conspicuous place therein; of if the office was closed or the person to be served has no office, by leaving a copy at that person's dwelling place or usual place of abode with some person of suitable age and discretion then residing therein, all pursuant to Rule 233(b), S.C.A.C.R.

April 29, 2013



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

JOHN MARTIN FOSTER

Attorney at law

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223 East Main Street Suite 520	Rock Hill SC	803 324 8109 Fax
Rock Hill South Carolina 29730	29731-6106	jmfoster@comporium.net

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April 29, 2013

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

Re: J.W. Neal Construction, LLC, Respondent,  
v. Cornelia Thomas, Appellant.

Case No. ~~2010-CP-46-02508~~

Dear Ms. Kitchings:

In accordance with Rules 240 and 263(a), S.C.A.C.R., an in response to the letter of the Clerk dated April 23<sup>rd</sup>, enclosed herewith please find the original and seven (7) copies of the Respondent's Motion fro Extension of Time, or to File Outside Time, together with Certificate of Service for the same in the above referenced case. I also enclose our check for the Motion fee of \$25.00. This Motion is intended as an amendment of that filed by mailing of April 17<sup>th</sup>, 2013.

By copy of this letter, I am serving the attorney for the Appellant with a copy of the said Motion, as evidenced by the Certificate of Service.

Please return the extra conformed copy to my office in the enclosed self-addressed, stamped envelope. As always, thank you, and your staff, for your assistance in these matters.

Sincerely yours,



John Martin Foster

jmf/  
enclosures

cc: Client File

Herbert W. Hamilton  
Hamilton, Martens & Ballou, LLC  
Post Office Box 10940  
Rock Hill, South Carolina 29731  
Attorneys for Appellant

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MAY 01 2013

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