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APR 21 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Master-In-Equity

Joseph M. Strickland, Master-In-Equity

Appellate Case No. 2021-001219

Case No. 2019-CP-40-05698

Justin K. Spires, Timothy J. Spires, Sr., South Carolina Department of Probation, Parole and Pardon Services and Warren B. Giese as Solicitor..... Appellant,

v.

First Citizens Bank and Trust Company, Inc..... Respondent,

RESPONDENT'S MOTION TO DISMISS APPEAL

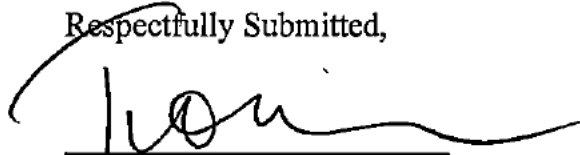
The Respondent, First Citizens Bank and Trust Company, Inc., hereby moves pursuant to Rules 210, 211, 240 and 260(c) SCACR, for an order dismissing the appeal filed by the Appellant. In support of the motion, the Respondent shows the following to the court:

1. Appellant filed its Notice of Appeal on October 21, 2021.
2. The transcript was delivered on January 18, 2022.
3. By order dated February 15, 2022 an extension until March 9, 2022 was granted to Appellant to file the initial brief and designation of matter.
4. Appellant filed a request for a second extension of time on March 9, 2022.

5. By order dated March 10, 2022, Appellant was granted a second extension until April 8, 2022 to file the initial brief and designation of matter. The Order stated, "no further extension will be granted absent extraordinary circumstances".
6. Appellant failed to file the initial brief and designation of matter by the deadline of April 8, 2022 and made no further request for an extension of time.
7. Appellant's initial brief and designation of matter is past the filing deadline by 10 days with no action by Appellant.
8. Respondent is informed and believes the appeal should be dismissed for failure to comply with appellate rules, SCAR 208(a)(4); *Roberts v. LaConey*, 375 S.C.97. 650 S.E. 2d 474(2007).

WHEREFORE, Respondent prays for an order dismissing the appeal based on Appellant's failure to properly paginate the Record on Appeal as set forth above.

Respectfully Submitted,



B. Lindsay Crawford, III
Theodore von Keller, Sc Bar No. 5718
B. Lindsay Crawford, IV
Charley S. FitzSimons
Post Office Box 4216
Columbia, South Carolina 29240
(803) 790-2626
Attorneys for Respondent

Columbia, South Carolina

April 18, 2022

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
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Appellate Case No. 2021-001219

Case No. 2019-CP-40-05698

Justin K. Spires, Timothy J. Spires, Sr., South Carolina Department of Probation, Parole and Pardon Services and Warren B. Giese as Solicitor

Of Whom Justin K. Spires and Timothy J. Spires, Sr. Appellants,

v.

First Citizens Bank and Trust Company,

Inc. Respondent.

PROOF OF SERVICE

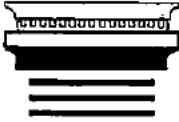
I certify that I served Respondent's Motion to Dismiss Appeal in this case by depositing a copy of it on the date shown below in the United States Mail, postage prepaid, addressed as follows:

Shawn M. French, Sr.
1476 Ben Sawyer Blvd, Suite 3
Mt. Pleasant, SC 29464



THEODORE VON KELLER, SC BAR NO. 5718
CRAWFORD & VON KELLER, LLC
POST OFFICE BOX 4216
COLUMBIA, SOUTH CAROLINA 29240
(803) 790-2626
ATTORNEY FOR RESPONDENT

April 18, 2022



CRAWFORD & VON KELLER, LLC

SOUTH CAROLINA
B. Lindsay Crawford, III *
Theodore von Keller
B. Lindsay Crawford, IV***

NORTH CAROLINA
Benjamin A. Barco**

Charley S. FitzSimons
Lawrence W. Johnson, Jr.* - Special Counsel

* Certified Specialist in Bankruptcy
and Debtor-Creditor Law in SC

**Admitted in North Carolina, Tennessee, and Texas
***Admitted in South Carolina and North Carolina

April 18, 2022

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SC Court of Appeals

South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

RE: Justin K. Spires, Timothy J. Spires, Sr., South Carolina Department of Probation, Parole and Pardon Services, and Warren B. Giese as Solicitor
Of Whom Justin K. Spires and Timothy J. Spires, Sr. are the Appellants vs. First Citizens Bank and Trust Company, LLC, Respondent
Appellant Case No. 2021-001219
Case No. 2019-CP-40-05698
Our File No.: 3544.0012

Dear Court of Appeals:

Please find attached Respondent's Motion to Dismiss Appeal with Proof of Service and a check for \$50.00 for your filing fee.

Please let me know if anything further is needed.

Sincerely,


Theodore von Keller

cc: Shawn M. French, Sr.
1476 Ben Sawyer Blvd, Suite 3
Mt. Pleasant, SC 29464

Crawford & von Keller LLC
P. O. Box 4216
Columbia, SC 29240

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South Carolina Court of Appeals
P.O. Box 11629
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