

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

First Citizens Bank and Trust
Company, Inc,

Respondent,

v.

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

Of who, Justin K. Spires and
Timothy J. Spires are the

Appellants.

RETURN TO MOTION TO DISMISS

Pursuant to Rule 240, SCACR, Appellant issues this RETURN to Respondent's Motion to Dismiss asks that this court DENY the relief sought.

THE APPEAL SHOULD NOT BE DISMISSED

The matter should not be dismissed. The Appellant received this Motion from the Respondent on April 29, 2022. The Appellant has filed with the court the Initial Brief and Designation of Matter along with a Motion to File Outside of the Deadline. The reasons in that

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motion given for the Appellant's missing the deadline are family medical issues related to the pregnancy of his wife and the birth of his child. That has just recently passed, with everyone being healthy now.

As the Initial Brief and Designation have been filed, Appellant requests that this court deny the Respondent's Motion and request this case be heard on the merits.

May 2, 2022

/s/Shawn M. French, Sr.

Shawn M. French, SC BAR No.: 75007

Attorney for Appellants

Mt. Pleasant, SC 29464

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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Master-in-Equity

Joseph M. Strickland, Master in Equity

Case No. 2019-CP-40-5698

First Citizens Bank and Trust
Company, Inc,

Respondent,

v.

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

Of who, Justin K. Spires and
Timothy J. Spires are the

Appellants.

Proof of Service

I certify that I have served the Return to Motion to Dismiss by depositing a copy of it in the United States Mail, postage prepaid, addressed to its attorneys of record listed below.

Theodore von Keller
PO Box 4216
Columbia, SC 29240

May 2, 2022

/s/Shawn M. French, Sr.
Shawn M. French, Sr.

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MAY 2, 2021

VIA HAND DELIVERY

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

RE: First Citizens Bank and Trust, Inc. v. Justin K. Spires, et al.
Case No.: 2019-CP-40-5698

To Whom It May Concern,

Please find enclosed the Return to Motion to Dismiss of the Appellant.

If you have any questions, you can contact me at the above number.

Sincerely,

Shawn M. French

Cc File

Justin Spires

Timothy Spires

Ted von Keller

The French Law Firm, LLC

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