

**IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

**APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Marvin H. Dukes, III, Master in Equity**

Case No: 2010-CP-07-03033

Beach First National Bank,..... Plaintiff

v.

**Estate of Margaret Gurnham,..... Defendant.
a/k/a Margaret D. Hover and /or Brian Hover, Its Personal Representative**

NOTICE OF APPEAL

The Defendant(s) appeals the following Orders of the Honorable Kenneth E. Fulp, Jr. and the Honorable Marvin H. Dukes, III along with any judgment entered or to be entered thereon:

- (1) Order dated March 1, 2010;
- (2) Order Denying Motion to Alter or Amend Judgment; .and
- (3) Order dated December 21, 2011

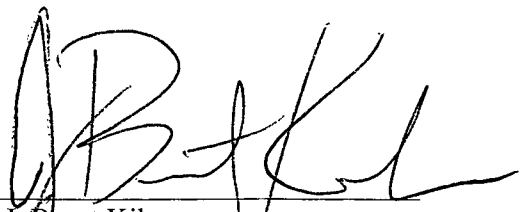
The Defendant(s) received written notice of the Order on December 27, 2011 and timely filed and served a Motion to Alter or Amend Judgment. Copies the appealed Orders are attached.

January 23, 2012

KIKER LAW FIRM, P.A.

**RECEIVED
JAN 25 2012
SC COURT OF APPEALS**

By:



J. Brent Kiker
2 Corpus Christie Pl., Ste 200
P.O. Box 5303
Hilton Head, SC 29938
(843) 842-7300
(409) 419-1048 fax

Other Counsel of Record:

Wm. Weston Newton, Esquire
Jones, Simpson & Newton, P.A.
P.O. Box 1938
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(843) 706-6111
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Attorney for Beach First National Bank

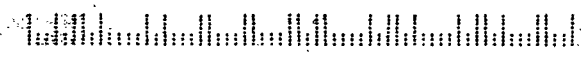
OFFICE OF THE PUBLIC DEFENDER
ALLENDALE, HAMPTON AND JASPER COUNTIES
COURTHOUSE ANNEX BUILDING, 2ND FL
PO BOX 506
HAMPTON, SC 29924

SARASOTA FL
07 JUL 2011



Mr. Kenneth A. Richstad
Clerk, The S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

29211+1629



**IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

**APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Marvin H. Dukes, III, Master in Equity**

Case No: 2010-CP-07-03033

Beach First National Bank,..... Plaintiff

v.

**Estate of Margaret Gurnham,..... Defendant.
a/k/a Margaret D. Hover and /or Brian Hover, Its Personal Representative**

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the Plaintiff by depositing a copy of it in the United States Mail, postage prepaid, on January 23, 2012, addressed to its attorneys of record Wm. Weston Newton, Post Office Box 1938, Bluffton, South Carolina 29910

January 23, 2012

KIKER LAW FIRM, P.A.

By: 

J. Brent Kiker
2 Corpus Christie Pl., Ste 200
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KIKER LAW FIRM, P.A.
ATTORNEY AT LAW

J. BRENT KIKER
2 CORPUS CHRISTIE PL., STE 200
POST OFFICE BOX 5303
HILTON HEAD ISLAND, SC 29938

843-842-7300 (TELEPHONE)
409-419-1048 (FACSIMILE)

January 23, 2012

Honorable Kenneth A. Richstad
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

**Re: Beach First National Bank v. The Estate of Margaret Gurnham
a/k/a Margaret Hover and or Brian Hover, Its Personal
Representative
2010-CP-07-03033**

Dear Mr. Richstad:

Enclosed please find the original and three (3) copies of the Notice of Appeal and Proof of Service in the above-referenced matter. I have also enclosed a check in the amount of \$100.00 for the filing of the Notice of Appeal.

Please return a clocked copy of the Notice of Appeal to me in the enclosed self addressed envelope.


J. Brent Kiker
JBK:ksk
Enclosures

cc: Richard Allen, Esquire
Wm. Newton, Esquire

RECEIVED
JAN 25 2012
SC COURT OF APPEALS

Findings of Fact
(Including Relevant Procedural Background)

Margaret Dever Hover Gurnham, also known as Margaret D. Hover ("Decedent"), died on December 8, 2005. Her Last Will and Testament was admitted to probate, and her son, Brian Hover, a Defendant herein, was appointed by this Court as Personal Representative of the Decedent's estate, by orders of this Court entered informally on February 23, 2006. Notice to Creditors, under S.C. Code Section 62-3-801, was published in *The Beaufort Gazette* on March 2, 9, and 16, 2006.

On August 19, 2008, Beach First National Bank ("Plaintiff") filed in this Court a Statement of Creditor's Claim for \$247,168.23 ("as of July 29, 2008"), alleging that the "Decedent's account became past due as of March 29, 2008"; that the "amount of the claim is subject to revision once the foreclosure now pending is concluded"; and that the claim was secured by a second mortgage described in the Statement. Also filed was a Proof of Delivery, executed by the Plaintiff's attorney, stating that a copy of the Statement of Creditor's Claim was mailed to the Personal Representative's attorney of record herein on August 15, 2008.

A Supplemental Statement of Creditor's Claim for \$259,620.63 ("as of December 11, 2008") was filed by the Plaintiff on December 18, 2008, asserting an "Order of Deficiency Judgment filed December 11, 2008, in C/A No. 2008-CP-07-02561...upon Promissory Note referenced in Statement of Creditor's Claim filed Augut [sic] 19, 2008." Accompanying the Supplemental Statement was a contemporaneous Proof of Delivery to the Plaintiff's attorney.

On July 29, 2009, the Personal Representative filed Notice of Disallowance of Claim, stating that "[t]he Claim asserted was not timely filed and is barred under South Carolina Probate Code Sec. 62-3-803." A Proof of Delivery was filed on August 3, 2009, by the Personal

Representative's attorney, stating that a copy of the Notice of Disallowance was mailed to the Plaintiff on July 31, 2009.¹

The Plaintiff filed a Petition for Allowance of Claim on August 24, 2009, and a Summons to accompany the Petition on August 26, 2009. The Petition asserts that the Plaintiff's Creditor's Claim was timely presented under S.C. Code Section 62-3-803(b)(2), and that the above-mentioned Deficiency Judgment is an allowance of the Plaintiff's Claim under Section 62-3-806(c). The Petition also alleges causes of action based on waiver, *res judicata*, estoppel, fraud, constructive fraud, negligent misrepresentation, and breach of contract. Acceptances of Service of the Summons and Petition were executed by counsel for the Defendants on August 31, 2009, and filed herein.

The Defendants' Answer to the Petition was served by mail on October 9, 2009, and subsequently filed herein. The Answer denies certain allegations contained in the Petition, and pleads affirmatively that the Plaintiff's Creditor's Claim was not timely presented and is barred by the applicable statute of limitations.

The Plaintiff's original Notice of Motion and Motion for Summary Judgment was served by mail on September 24, 2009, and filed herein. The Motion asks for summary judgment based on the second cause of action asserted in the Petition, *viz.*, the Circuit Court Order of Deficiency Judgment entered on December 11, 2008, in Civil Action No. 2008-CP-07-02561. Attached to the Motion, as filed, are certified copies of the Order of Deficiency Judgment and the Judgment of Foreclosure and Sale, entered October 9, 2008 in the same civil action, from which the deficiency matter arose.

¹ On August 24, 2009, the Court received from the Personal Representative's attorney a Proof of Delivery stating that he also had mailed a copy of the Notice of Disallowance to the Plaintiff's attorney on July 31, 2009.

By its terms, the Order of Deficiency Judgment awards to the Plaintiff "a personal and deficiency judgment against the Third-Party Defendants, Brian Hover, in his representative capacity as Personal Representative of the Estate of Margaret Gurnham (a/k/a Margaret D. Hover) and The Estate of Margaret Gurnham (a/k/a Margaret D. Hover)" in the "[a]mount of judgment of foreclosure entered by the Equity Court," \$256,577.73, with interest "from the date of Judgment of foreclosure to ultimate sale date December 3, 2008" in the amount of \$3,042.90, for a "Total Judgment" of \$259,620.63.

The Defendants' Notice of Motion and Motion for Summary Judgment was served by mail on November 23, 2009, and filed herein. The Defendants' Motion asks for summary judgment "on all causes of action filed against the Defendant by the Plaintiff," on the basis "that the Plaintiff submitted its claim outside the applicable statute of limitations period and the period for creditor's claim."

With the consent of the Defendants' counsel, the Plaintiff filed its Amended Notice of Motion and Amended Motion for Summary Judgment on December 1, 2009. The Amended Motion seeks summary judgment based not only on the aforementioned Order of Deficiency Judgment, but also on the following causes of action asserted in its Petition for Allowance of Claim: timely claim presentation under Section 62-3-803(b)(2); waiver; and *res judicata*.

Notice of the consolidated hearing, on January 5, 2010, on the Plaintiff's Amended Motion for Summary Judgment and the Defendants' Motion for Summary Judgment, was mailed by the Court on December 2, 2009, to all counsel of record and interested persons not represented by counsel.

The authenticity of the Order of Deficiency Judgment, represented by the certified copy filed herein by the Plaintiff, has not been disputed or challenged by the Defendants herein, and

this Court has not been informed of any appeal of the Order. In oral argument at the hearing, the Defendants' counsel acknowledged that the facts of this case are not in dispute.

Conclusions of Law

This Court has jurisdiction over the subject matter of this action under S.C. Code Section 62-1-302(a)(1); venue is proper under Section 62-3-201(b); and all service and notice requirements of the applicable statutes and rules of court have been satisfied.

There is no genuine issue as to any material fact in this matter. In particular, the validity of the above-described Order of Deficiency Judgment, as a final judgment of the Circuit Court, has not been impeached. It does not appear that the Deficiency Judgment has been appealed, and it is not subject to collateral attack in the Probate Court.

"A judgment in a proceeding in another court against a personal representative to enforce a claim against a decedent's estate is an allowance of the claim." *S.C. Code Ann.* Section 62-3-806(c). The Order of Deficiency Judgment is a final judgment of the Circuit Court against the appointed Personal Representative of the Decedent's estate on the claim that is the stated basis for the Plaintiff's Supplemental Statement of Creditor's Claim and Petition for Allowance of Claim in this Court.

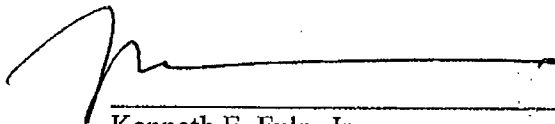
"When a statute's terms are clear and unambiguous on their face, there is no room for statutory construction and a court must apply the statute according to its literal meaning." *Howell v. United States Fidelity and Guaranty Insurance Company*, 370 S.C. 505, 509, 636 S.E. 2d 626, 628 (2006). Under the clear and unambiguous terms of Code Section 62-3-806(c), the Order of Deficiency Judgment constitutes allowance of the Plaintiff's Claim herein, as a matter of law.

Allowance of the Plaintiff's Claim under Section 62-3-806(c) makes it unnecessary for this Court to address the issues of whether the Claim was timely presented under other provisions of the Probate Code or is barred by statute of limitations. Any defense based on those issues -- whether or not raised by the Defendants in the Circuit Court action -- is mooted by the operation of Section 62-3-806(c) with respect to the Deficiency Judgment of the Circuit Court. As such, the Defendants' Motion for Summary Judgment, based entirely on the timeliness of presentation of the Plaintiff's Claim, is denied.²

Allowance under Section 62-3-806(c) likewise makes it unnecessary to rule on the Plaintiff's assertions of waiver and *res judicata* in its Amended Motion for Summary Judgment.

For the foregoing reasons, the Plaintiff's Amended Motion for Summary Judgment is granted based on S.C. Code Section 62-3-806(c), and summary judgment is entered for the Plaintiff accordingly.

AND IT IS SO ORDERED.



Kenneth E. Fulp, Jr.
Associate Judge
Beaufort County Probate Court

Beaufort, South Carolina

March 1, 2010

² In oral argument at the hearing, the Defendants' counsel relied on three appellate decisions from other jurisdictions, *viz.*, *Harter v. Lenmark*, 443 N.W. 537 (Minn. 1989); *Gilkes v. Beezer*, 4 Wash. App. 761, 484 P. 2d 493 (Wash. App. 1971); and *Gandy v. Citicorp*, 985 So. 2d 371 (Miss. App. 2008). None of those decisions appears based on a statute similar to S.C. Code Section 62-3-806(c), all are distinguishable from the case instant on the facts and law, and none are controlling here.

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

IN THE COURT OF COMMON PLEAS
FOR THE FOURTEENTH JUDICIAL CIRCUIT
CIVIL ACTION NO. 2010-CP-07-03033

IN THE MATTER OF ESTATE OF)
MARGARET DEVER HOVER GURNHAM,)
A/K/A MARGARET D. HOVER:)

BEACH FIRST NATIONAL BANK,)
)
PLAINTIFF/RESPONDENT,)

VS.)

THE ESTATE OF MARGARET GURNHAM)
A/K/A MARGARET D. HOVER AND/OR)
BRIAN HOVER, ITS PERSONAL)
REPRESENTATIVE,)

DEFENDANTS/APPELLANTS.)

ORDER

2011 DEC 22 AH 9:09
CLERK OF COURT
DEPARTMENT OF PROBATE

This matter is before the Court on Appeal by the Defendant/Appellant Estate of Margaret Gurnham a/k/a Margaret D. Hover and/or Brian Hover, its Personal Representative, from the Probate Court Case No. 2006-ES-07-00145 that resulted in an Order granting Plaintiff/Respondent Summary Judgment filed March 1, 2010, and the Order denying Defendant/Respondent's Rule 59 Motion to Alter or Amend filed May 3, 2010.

The relevant pleadings are Plaintiff/Respondent's Summons and Petition for Allowance of Claim filed August 24, 2009, in the Probate Court; Defendant Estate of Margaret Gurnham a/k/a Margaret D. Hover and/or Brian Hover, its Personal Representative's Answer dated September 29, 2009; Defendant Estate of Margaret Gurnham a/k/a Margaret D. Hover and/or Brian Hover, its Personal Representative's Notice of Motion and Motion for Summary Judgment dated November 23, 2009; Plaintiff's Notice of Motion and Motion for Summary Judgment filed September 25, 2009; Plaintiff's Amended Notice of Motion and Motion and Amended Motion for Summary Judgment filed December 1, 2009; Order Granting Summary Judgment filed March 1, 2010; Defendant Estate of Margaret Gurnham a/k/a Margaret D. Hover and/or Brian Hover, its Personal Representative's

Motion to Alter or Amend Order dated March 11, 2010; Defendant Estate of Margaret Gurnham a/k/a Margaret D. Hover and/or Brian Hover, its Personal Representative's Memorandum in Support of Motion to Alter or Amend Order dated April 22, 2010; Plaintiff's Memorandum in Opposition to Defendant's Motion to Alter or Amend Order of March 1, 2010 filed April 19, 2010; and Probate Court Order Denying Motion to Alter or Amend filed May 3, 2010. The Defendants filed their Notice of Appeal dated May 14, 2010, appealing the Orders of the Honorable Kenneth E. Fulp, Jr., granting summary judgment dated March 1, 2010, and denying the Motion to Alter or Amend Judgment referenced above. The Court had the benefit of Memorandums submitted by both sides and oral arguments were heard on September 8, 2011. Additionally, the Court received a Supplemental Memorandum from the Plaintiff/Respondent on or about September 24, 2011.

I have carefully considered all of the material referenced above, together with the oral arguments of Counsel, and have decided to confirm the Probate Court's March 1, 2010, Order Granting the Plaintiff Summary Judgment and the Probate Court's Rule 59 Order dated May 3, 2010, subject to clarification with regard to any concern that the Personal Representative was found to be individually liable as a result of the Probate Court Orders. Upon review of the Probate Court Orders and noting the assurance of Plaintiff's Counsel that Mr. Hover was not an individual Defendant, I make that as a finding of fact and conclusion of law.

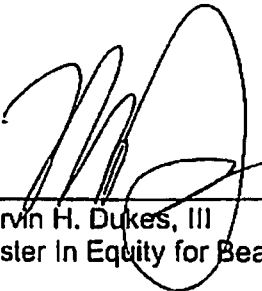
Prior to deciding to affirm the Probate Court Orders Granting Summary Judgment and Denying the Defendant's Rule 59 challenge, I paid particular attention to the Defendants' subject matter jurisdiction argument and concluded that it was not applicable. Accordingly, the Probate Court Orders appealed from are affirmed subject to the one modification clarifying any concern that Brian Hover was in this action an individual Defendant.

ALL OF WHICH IS SO ORDERED.

Date: December 21, 2011

Beaufort, South Carolina

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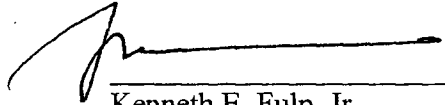


Marvin H. Dukes, III
Master In Equity for Beaufort County

10-3033

Accordingly, the Defendants' Motion to Alter and/or Amend the Summary Judgment Order is denied, and the Summary Judgment Order for the Plaintiff is affirmed.

AND IT IS SO ORDERED.



Kenneth E. Fulp, Jr.
Associate Judge
Beaufort County Probate Court

Beaufort, South Carolina

May 3, 2010



The South Carolina Court of Appeals

TANYA A. GEE
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

February 9, 2012

Jonathan Brent Kiker, Esquire
Kiker Law Firm
P.O. Box 5303
Hilton Head Island, SC 29938

Re: Est. of Gurnham(Beach First v. Estate)
Case Tracking #: 2012207047

Dear Mr. Kiker:

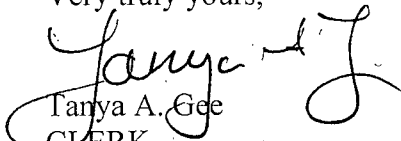
We have received your Notice of Appeal in the case noted above. This case will be docketed in the Court of Appeals and all communications concerning this case, including motions and petitions, initial and final briefs, and the Record on Appeal, should be directed to and filed in this Court. Failure to file in the proper court may result in the dismissal of your appeal. For all filings, please note the requirements of Rule 267(a) of the South Carolina Appellate Court Rules, and be further advised that Court of Appeals policy requires the bar number and firm name of any counsel shown must be included in his or her address.

PLEASE BE ADVISED that, pursuant to Rule 207 of the South Carolina Appellate Court Rules, the transcript must be ordered within 10 days of the proof of service of the Notice of Appeal and you must provide this Court, opposing counsel, and the Office of Court Administration with all correspondence regarding the transcript. It is also Appellant's responsibility to make satisfactory arrangements (including agreement regarding payment for the transcript) with the Court Reporter for furnishing the transcript. You are reminded of the notification requirements of Rule 207(a)(5), SCACR, also, please advise the Court in writing upon receipt of the transcript.

I further wish to call the attention of the parties to the attached order relating to the inclusion of personal data identifiers and other sensitive information in documents filed with the

Supreme Court of South Carolina and the South Carolina Court of Appeals. Please note that the responsibility for insuring that information is redacted or sealed as required by this order rests with counsel and the parties. This office will not review filings for redaction or to determine if materials should be sealed.

Very truly yours,


Tanya A. Gee
CLERK

TAG/ec

cc: WM. Weston Newton, Esquire
The Honorable Jerri Roseneau

IKER LAW FIRM, P.A.
ATTORNEY AT LAW

J. BRENT KIKER
2 CORPUS CHRISTIE PL., STE 200
POST OFFICE BOX 5303
HILTON HEAD ISLAND, SC 29938

843-842-7300 (TELEPHONE)
409-419-1048 (FACSIMILE)

March 27, 2012

Honorable Kenneth A. Richstad
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

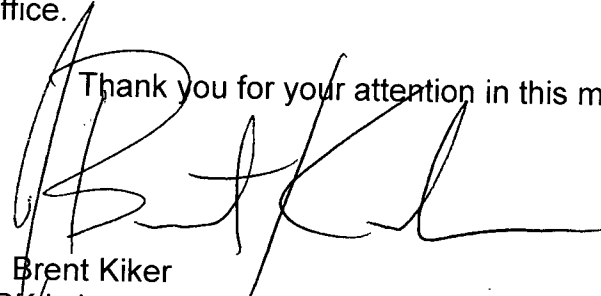
**Re: Beach First National Bank v. The Estate of Margaret Gurnham
a/k/a Margaret Hover and or Brian Hover, Its Personal
Representative
2010-CP-07-03033**

Dear Mr. Richstad:

Please be advised there was no transcript of the proceedings that was heard before Judge Fulp on January 5, 2010. We have obtained the audio disc of the proceedings and have sent them to Coastal Court Reporting and Video to be transcribed.

We will notify opposing counsel and the court once we have received the transcribed audio disc. If you have any questions, please feel free to contact my office.

Thank you for your attention in this matter. Sincerely, I am,


J. Brent Kiker
JBK:ksk
Enclosures
cc: Richard Allen, Esquire
Wm. Newton, Esquire

RECEIVED

MAR 29 2012

SC Court of Appeals

- HAND Delivery -

D4 KIKER LAW FIRM, P.A.
ATTORNEY AT LAW

J. BRENT KIKER
2 CORPUS CHRISTIE PLACE, ST 200
POST OFFICE DRAWER 5303
HILTON HEAD ISLAND, SC 29938

843-842-7300 (TELEPHONE)
409-419-1048 (FACSIMILE)

March 27, 2012

Coastal Court Reporting & Video
P.O. Box 7349
Hilton Head Island, SC 29938

**Re: Beach First National Bank v. The Estate of Margaret Gurnham
a/k/a Margaret Hover and or Brian Hover, Its Personal
Representative
2010-CP-07-03033**

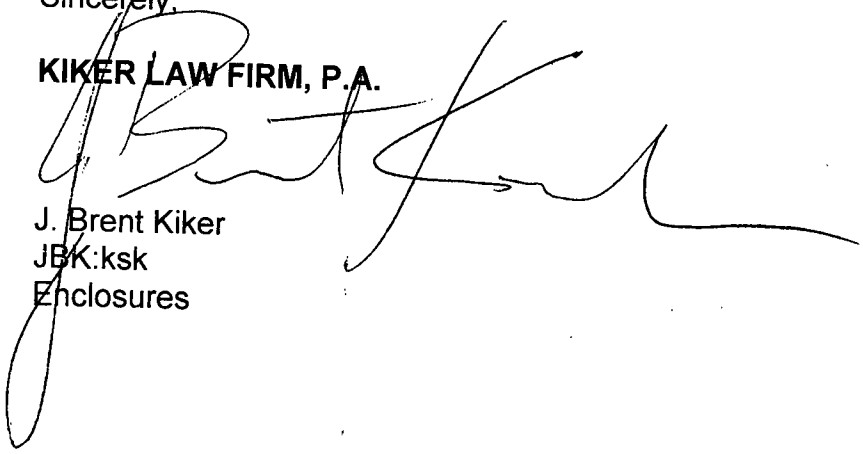
Dear David:

Enclosed please find an audio CD from the hearing January 5, 2010 in the above referenced matter. Please have this transcribed as soon as possible. My legal assistant can come to your office when it is available for pickup.

Thank you for your assistance in this matter. With kind regards, I am

Sincerely,

KIKER LAW FIRM, P.A.



J. Brent Kiker
JBK:ksk
Enclosures

RECEIVED
MAR 29 2012
SC Court of Appeals

KIKER LAW FIRM, P.A.
ATTORNEY AT LAW

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POST OFFICE BOX 5303
HILTON HEAD ISLAND, SC 29938

843-842-7300 (TELEPHONE)
409-419-1048 (FACSIMILE)

May 9, 2012

RECEIVED
MAY 14 2012
SC Court of Appeals

Desiree Allen
Court Administration
1015 Sumter St., Ste 200
Columbia, South Carolina 29201

**Re: Beach First National Bank v. The Estate of Margaret Gurnham
a/k/a Margaret Hover and or Brian Hover, Its Personal
Representative
2010-CP-07-03033**

Dear Ms. Allen:

Please be advised we have received the transcript from the January 5, 2010 hearing before Jude Fulp. Our records indicate it was actually received on April 16, 2012.

With kind regards, I am

J. Brent Kiker

JBK:ksk

cc: S. C. Court of Appeals
Richard Allen, Esquire
Wm. Newton, Esquire

KIKER LAW FIRM, P.A.
ATTORNEY AT LAW

J. BRENT KIKER
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POST OFFICE BOX 5303
HILTON HEAD ISLAND, SC 29938

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409-419-1048 (FACSIMILE)

February 21, 2012

Honorable Kenneth A. Richstad
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

**Re: Beach First National Bank v. The Estate of Margaret Gurnham
a/k/a Margaret Hover and or Brian Hover, Its Personal
Representative
2010-CP-07-03033**

Dear Mr. Richstad:

Please be advised that we have requested the transcript for the proceedings before Judge Fulp on January 5, 2010. There was no court reporter for the other hearings relative to this appeal.

We expect to receive the transcript within the next ten (10) days and will notify the Court upon receipt of the transcript.

With kind regards, I am

J. Brent Kiker

JBK:ksk

Enclosures

cc: Richard Allen, Esquire
Wm. Newton, Esquire

RECEIVED

FEB 23 2012

SC Court of Appeals

**IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

**APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Marvin H. Dukes, III, Master in Equity**

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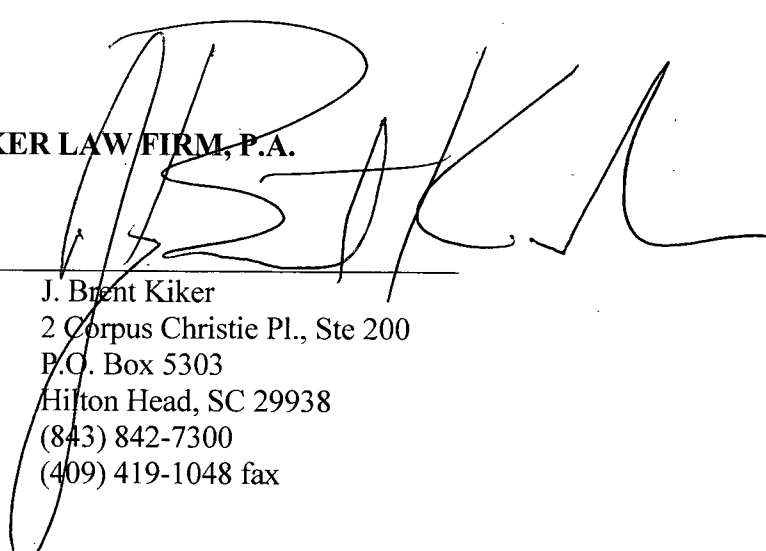
PROOF OF SERVICE

I certify that I have served the Amended Notice of Appeal on the Plaintiff by depositing a copy of it in the United States Mail, postage prepaid, on June 13, 2012, addressed to its attorneys of record Wm. Weston Newton, Post Office Box 1938, Bluffton, South Carolina 29910

June 13, 2012

IKER LAW FIRM, P.A.

By: _____



J. Brent Kiker
2 Corpus Christie Pl., Ste 200
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(843) 842-7300
(409) 419-1048 fax

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

IN THE COURT OF COMMON PLEAS

CASE NO: 2010-CP-07-0303³

Beach First National Bank,)

Plaintiff(s),)

vs.)

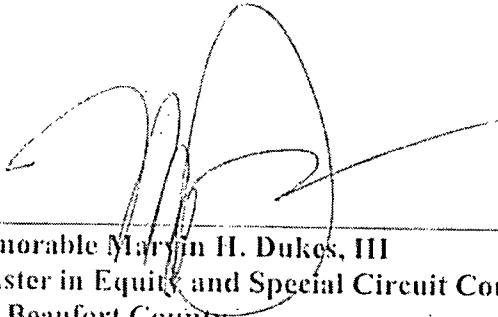
ORDER DENYING DEFENDANT'S)
MOTION TO ALTER OR AMEND)
ORDER ENTERED ON DECEMBER)
22, 2011)

The Estate of Margaret Gurnham a/k/a)
Margaret D. Hover and/or Brian Hover as)
Personal Representative)

Defendant(s).)

This case came before me May 3, 2012 on Defendant's Motion to Alter or Amend the Order issued on December 22, 2011. Attorney Weston Newton appeared for the Plaintiff and attorney Brent Kiker appeared for the Defendants and both attorneys appeared telephonically. After hearing arguments from both parties I hereby deny the motion.

IT IS SO ORDERED:



Honorable Mary H. Dukes, III
Master in Equity and Special Circuit Court Judge
for Beaufort County

May 17, 2012
Beaufort, South Carolina

2012 MAY 17 PM 4:38
CLERK OF COURT
BEAUFORT COUNTY, S.C.

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Marvin H. Dukes, III, Master in Equity

Case No: 2010-CP-07-03033

~~RECEIVED~~
JUN 16 2012
SC Court of Appeals

RECEIVED
JUN 15 2012
SC Court of Appeals

Beach First National Bank,..... Plaintiff

v.

Estate of Margaret Gurnham,..... Defendant.
a/k/a Margaret D. Hover and /or Brian Hover, Its Personal Representative

AMENDED
NOTICE OF APPEAL

The Defendant(s) appeals the following Orders of the Honorable Kenneth E. Fulp, Jr. and the Honorable Marvin H. Dukes, III along with any judgment entered or to be entered thereon:

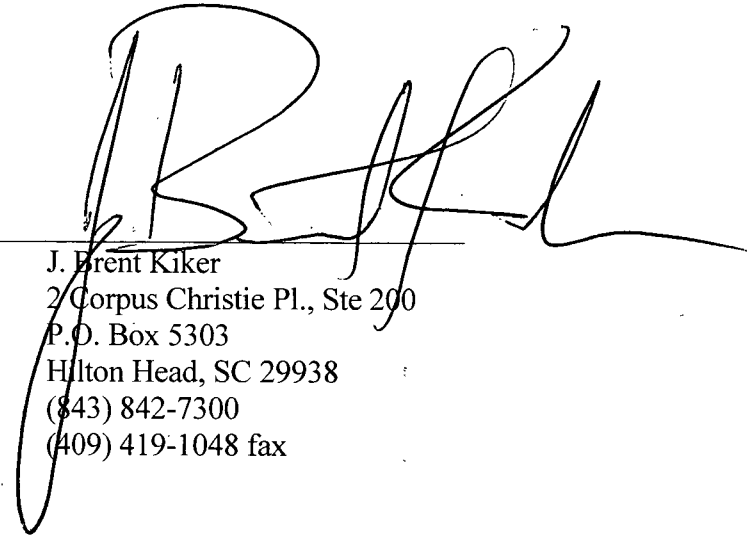
- (1) Order dated March 1, 2010;
- (2) Order Denying Motion to Alter or Amend Judgment;
- (3) Order dated December 21, 2011; AND
- (4) Order Denying Motion to Alter or Amend dated May 17, 2012.

The Defendant (s) previously submitted copies of Orders (1), (2), and (3). A copy of (4) is attached.

June 13, 2012

KIKER LAW FIRM, P.A.

By: _____



J. Brent Kiker
2 Corpus Christie Pl., Ste 200
P.O. Box 5303
Hilton Head, SC 29938
(843) 842-7300
(409) 419-1048 fax

Other Counsel of Record:

Wm. Weston Newton, Esquire
Jones, Simpson & Newton, P.A.
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Bluffton, SC 29910
(843) 706-6111
(843) 686-1219 fax
Attorney for Beach First National Bank

IKER LAW FIRM, P.A.
ATTORNEY AT LAW

J. BRENT KIKER
2 CORPUS CHRISTIE PL., STE 200
POST OFFICE BOX 5303
HILTON HEAD ISLAND, SC 29938

843-842-7300 (TELEPHONE)
409-419-1048 (FACSIMILE)

RECEIVED

MAY 14 2012

SC Court of Appeals

May 9, 2012

Honorable Kenneth A. Richstad
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

**Re: Beach First National Bank v. The Estate of Margaret Gurnham
a/k/a Margaret Hover and or Brian Hover, Its Personal
Representative
2010-CP-07-03033**

Dear Mr. Richstad:

Please be advised we have received the transcript from the January 5, 2010 hearing before Jude Fulp. Our records indicate it was actually received on April 16, 2012.

Additionally, please allow this letter to serve as the Appellants' request for an Extension of time to file the Appellants' Initial Brief and Designation of Matter in the above-referenced matter. Currently, the Appellants' Initial Brief and Designation of Matter are due on May 16, 2012, and I am requesting an extension of thirty (30) days, which would make the Initial Brief and Designation of Matter due on June 15, 2012.

Thank you in advance for your consideration in this matter. With kind regards, I am,

J. Brent Kiker
JBK:ksk

cc Richard Allen, Esquire
Wm. Newton, Esquire

GRANTED
JOHN CANNON FEW, C.J.
FOR THE COURT

By: V. Claire Allen
(Clerk) (Deputy Clerk)

FILED

Walter 7/23/12

IKER LAW FIRM, P.A.
ATTORNEY AT LAW

J. BRENT KIKER
2 CORPUS CHRISTIE PL., STE 200
POST OFFICE BOX 5303
HILTON HEAD ISLAND, SC 29938

843-842-7300 (TELEPHONE)
409-419-1048 (FACSIMILE)

June 15, 2012

Honorable Kenneth A. Richstad
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

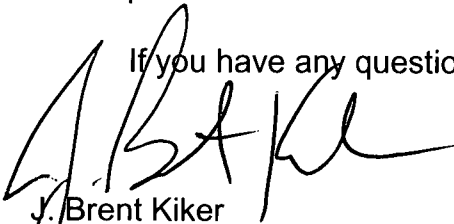
**Re: Beach First National Bank v. The Estate of Margaret Gurnham
a/k/a Margaret Hover and or Brian Hover, Its Personal
Representative
2010-CP-07-03033**

Dear Mr. Richstad:

Enclosed for filing is the Appellant's Initial Brief and Designation of Matter in the above case. Also enclosed is the Proof of Service for the same.

Please return a clocked copy to me in the enclosed self addressed envelope.

If you have any questions, please contact me at your convenience.



J. Brent Kiker

JBK:ksk

Enclosures

cc: Richard Allen, Esquire
Wm. Newton, Esquire

RECORDED

JUN 18 2012

SC COURT OF APPEALS

RECORDED

JUN 18 2012

SC

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Marvin H. Dukes, III, Master in Equity

Case No: 2010-CP-07-03033

Beach First National Bank,..... Respondent

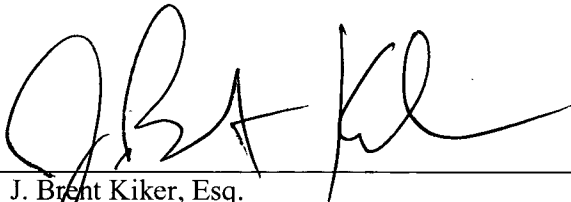
v.

Estate of Margaret Gurnham,..... Appellant.
a/k/a Margaret D. Hover and /or Brian Hover, Its Personal Representative

PROOF OF SERVICE

I certify that I have served the Initial Brief of Appellant and Designation of Matter on the Respondent by depositing a copy of it in the United States Mail, postage prepaid, on June 15, 2012 addressed to its attorneys of record Wm. Weston Newton, Post Office Box 1938, Bluffton, South Carolina 29910.

IKER LAW FIRM, P.A.



J. Brent Kiker, Esq.
Post Office Box 5303
Hilton Head Island, South Carolina 29938
(843) 842-7300 (Phone)
(409) 419-1048 (Facsimile)
Attorney for the Appellant

Hilton Head, South Carolina
June 15, 2012

RECEIVED

JUN 18 2012

SC Court of Appeals

**IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

**APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Marvin H. Dukes, III, Master in Equity**

Case No: 2010-CP-07-03033

Beach First National Bank,..... Respondent

v.

**Estate of Margaret Gurnham,..... Appellant.
a/k/a Margaret D. Hover and /or Brian Hover, Its Personal Representative**

**DESIGNATION OF MATTER TO BE
INCLUDED IN THE RECORD ON APPEAL**

Appellant proposes the following to be included in the Record on Appeal:

Promissory Note and Mortgage issued to Bank on March 24, 2005;
Summons and Complaint for foreclosure;
Judgment of Foreclosure and Sale by Judge Dukes dated December 11, 2008;
Notice of Publication to Creditors of the Estate of Gurnham, newspaper publication(s)
Order of deficiency signed by Judge Dukes
Statement of creditor claim, August 19, 2008, December 18, 2008
Notices of disallowance August 21, 2009, January 29, 2009
Petition for Allowance of Claim August 21, 2009;
Answer denying the allowance of claim October 9, 2009;
Motion for summary judgment by Bank dated November 25, 2009
Motion for summary judgment by Estate dated November 23, 2009;
Order of Fulp dated March 1, 2010 which granted summary judgment to Bank
Motion to alter or amend filed by Estate
Memorandum in support of motion to alter or amend
Order denying motion to alter or amend
Notice of appeal to circuit court appealing judge Fulp's ruling
Grounds for appeal filed by Appellant
Memorandum in support of appeal by Estate
Order denying appeal signed by Marvin Dukes
Motion to alter or amend order denying appeal

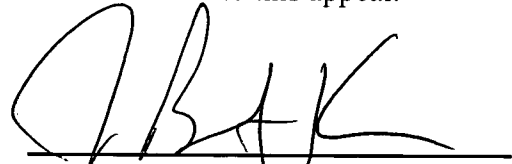
RECEIVED

JUN 18 2012

SC COURT OF APPEALS

Order denying motion to alter or amend
Transcript of hearing before Honorable Judge Fulp dated January 5, 2010.

I certify that this designation contains no matter which is irrelevant to this appeal.

A handwritten signature in black ink, appearing to read 'J. Brent Kiker', written over a horizontal line.

J. Brent Kiker, Esquire
Kiker Law Firm, P.A.
2 Corpus Christie Pl., Ste 200
Post Office Box 5303
Hilton Head Island, S.C. 29938
(843) 842-7300 (Phone)
(409) 419-1048 (Facsimile)
Attorney for Appellant
Estate of Margaret Gurnham

June 15, 2012

LAW OFFICES

JONES, SIMPSON & NEWTON, P.A.

WILLIAM W. JONES, JR.
MARK S. SIMPSON
WM. WESTON JONES NEWTON
SAMUEL L. KIRKLAND (SC & OH)
F. WARD BORDEN (SC, VA & DC)
DEAN S. HASKELL (SC & CT)
JAMES M. HERRING (OF COUNSEL)
DAVID P. GEIS (OF COUNSEL) (SC & NY)

HILTON HEAD OFFICES
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BLUFFTON OFFICES
7 PLANTATION PARK DRIVE, SUITE 3
P.O. BOX 1938
BLUFFTON, SC 29910
TELEPHONE (843) 706-6111
FAX (843) 706-5667
E-MAIL jsplaw@jsplaw.net

PLEASE RESPOND TO OUR BLUFFTON OFFICE

Writer's E-Mail: wnewton@jsplaw.net

June 29, 2012

Honorable Jenny Kitchings
Clerk of the S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

**Re: Beach First National Bank v. Estate of Margaret Gurnham a/k/a Margaret D. Hover
and/or Brian Hover, its Personal Representative
Case No. 2010-CP-07-03033
JS&N File No. 7915.004**

Dear Ms. Kitchings:

The transcript necessary for the appeal was received on June 18, 2012, making the appellant's initial brief and designation due by July 16th.

Since I was out of the country on vacation from June 17 through June 23, I am in need of an extension of time for this work. Your consideration of a 30-day extension will be much appreciated.

With best wishes and kindest regards, I am

Sincerely,

JONES, SIMPSON & NEWTON, P.A.


Wm. Weston J. Newton

WWJN/bsp
cc: J. Brent Kiker, Esquire
Richard B. Allen, Esquire

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RECEIVED

JUL 05 2012

SC Court of Appeals



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

July 24, 2012

Mr. William Weston Jones Newton
PO Box 1938
Bluffton SC 29910

Re: Est. of Gurnham(Beach First v. Estate)
Appellate Case No. 2012-207047

Dear Counsel:

We have received a letter from you regarding receipt of the transcript in this matter. Please be advised that service of the respondent's initial brief is calculated from service of the appellants' initial brief and designation of matter, pursuant to Rule 208, SCACR.

You are reminded that any request directed to this Court must include the \$25 filing fee, pursuant to Rule 240, SCACR. If you still require an extension in order to complete your brief, you are requested to serve and file an amended request within ten days of the date of this letter.

Very truly yours;

V. Claire Allen, Deputy

CLERK

cc: Jonathan Brent Kiker



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
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1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

July 24, 2012

Mr. Jonathan Brent Kiker
PO Box 5303
Hilton Head Island SC 29938

Re: Est. of Gurnham(Beach First v. Estate)
Appellate Case No. 2012-207047

Dear Counsel:

The following order has been endorsed on your request for extension to serve and file the appellants' initial brief and designation of matter in the above matter.

"Granted.

FOR THE COURT

By s/ V. Claire Allen
CLERK

July 24, 2012."

Please be advised the appellants' initial brief and designation of matter have been received and are accepted as filed. All parties are advised that the respondent's initial brief must be served and filed no more than thirty days from the date of service of the appellants' brief.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: William Weston Jones Newton

64900

LAW OFFICES

JONES, SIMPSON & NEWTON, P.A.

WILLIAM W. JONES, JR.
MARK S. SIMPSON
WM. WESTON JONES NEWTON
SAMUEL L. KIRKLAND (SC & OH)
F. WARD BORDEN (SC, VA & DC)
DEAN S. HASKELL (SC & CT)
JAMES M. HERRING (OF COUNSEL)
DAVID P. GEIS (OF COUNSEL) (SC & NY)

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E-MAIL jsplaw@jsplaw.net

PLEASE RESPOND TO OUR BLUFFTON OFFICE

Writer's E-Mail: wnewton@jsplaw.net

July 16, 2012

Honorable Jenny Kitchings
Clerk of the S.C. Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: **Beach First National Bank v. Estate of Margaret Gurnham a/k/a Margaret D. Hover and/or Brian Hover, its Personal Representative**
Case No. 2010-CP-07-03033
JS&N File No. 7915.004

Dear Ms. Kitchings:

The Appellant's Initial Brief, Designation of Matter and Proof of Service dated June 15, 2012, have been received by this office, making the Respondent's Brief and Designation due by July 16, 2012.

As I was out of the country on vacation from June 17 through June 23, I am in need of an extension of time for this work. Your consideration of a 30-day extension will be much appreciated.

Please find enclosed herewith our check in the amount of \$25.00 to cover the filing fee associated with this extension request.

With best wishes and kindest regards, I am

Sincerely,

JONES, SIMPSON & NEWTON, P.A.

Wm. Weston J. Newton

WWJN/rak

cc: J. Brent Kiker, Esquire
Richard B. Allen, Esquire

RECEIVED
JUL 18 2012

SC Court of Appeals

5/

The South Carolina Court of Appeals

In the matter of Estate of Margaret Dever Hover
Gurnham A/KA Margaret D. Hover Beach First National
Bank, Appellants,

v.

The Estate of Margaret Gurnham A/K/A Margaret D.
Hover and/or Brian Hover, its personal representative,
Respondents.

Appellate Case No. 2012-207047

The Honorable Kenneth E. Fulp, Jr., Marvin H. Dukes,
III
Beaufort County
Trial Court Case No. 2010CP0703033

ORDER

The time for serving and filing the respondent's initial brief and designation of matter is hereby extended until September 4, 2012.

FOR THE COURT

BY *V. Claire Allen, Deputy*
CLERK

Columbia, South Carolina

FILED
Allen 8/3/12

cc:

Jonathan Brent Kiker

William Weston Jones Newton

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS

Marvin H. Dukes, Master in Equity and Special Circuit Judge

Case No. 2010-CP-07-3033

Beach First National Bank, Respondent,

v.

Estate of Margaret Gurnham a/k/a Margaret
Hover and/or Brian Hover, its Personal
Administrator, Appellants.

DESIGNATION OF MATTER BY RESPONDENTS

In addition to the material designated by the appellant for inclusion in the Record on Appeal, the respondent designates the following material:

1. Bank's amended notice and motion for summary judgment dated 11/25/09 (instead of the original motion).
2. Bank's memorandum dated 4/16/10 in opposition to defendants' motion to alter or amend order of March 1, 2010.
3. Bank's memorandum in support of plaintiff/respondent's request, etc., dated 9/8/11.

CERTIFICATE

I certify that this designation contains no matter which is irrelevant to this appeal.

James B. Richardson, Jr.

James B. Richardson, Jr.
1229 Lincoln Street
Columbia, South Carolina 29201
(803) 799-9412

August 10, 2012.

Attorney for Respondent.

RECEIVED
AUG 16 2012
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS

Marvin H. Dukes, Master in Equity and Special Circuit Judge

Case No. 2010-CP-07-3033

Beach First National Bank, Respondent,

v.

Estate of Margaret Gurnham a/k/a Margaret
Hover and/or Brian Hover, its Personal
Administrator, Appellants.

CERTIFICATE OF SERVICE

I certify that I served a copy of respondent's initial brief and a copy of respondent's designation of matter by first class mail, postage prepaid, addressed to appellant's attorney at his address of record, namely:

J. Brent Kiker, Esq.
Attorney at Law
P. O. Box 5303
Hilton Head Island, SC 29938

on August 14, 2012.



James B. Richardson, Jr.
1229 Lincoln Street
Columbia, South Carolina 29201
(803) 799-9412

August 14, 2012.

Attorney for Respondents.

SC COURT OF APPEALS

AUG 16 2012

RECEIVED

**Law Office of
James B. Richardson, Jr.**

1229 LINCOLN STREET
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE 803/799-9412
FAX 803/799-9628

August 14, 2012

Honorable Jenny A. Kitchings
Clerk of the S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Beach First National Bank v. Estate of Margaret Gurnham
2010-CP-07-3033

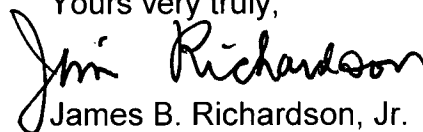
Dear Ms. Kitchings:

Kindly add my name to that of Mr. Newton as counsel for the respondent.

Enclosed for filing are the appellant's initial brief and designation.

Thanking you, I remain

Yours very truly,


James B. Richardson, Jr.

cc: J. Brent Kiker, Esq.
Wm. Weston J. Newton, Esq.

RECEIVED
AUG 16 2012
SC COURT OF APPEALS

65347
25

IKER LAW FIRM, P.A.
ATTORNEY AT LAW

J. BRENT KIKER
2 CORPUS CHRISTIE PL., STE.200
POST OFFICE BOX 5303
HILTON HEAD ISLAND, SC 29938

843-842-7300 (TELEPHONE)
409-419-1048 (FACSIMILE)

August 24, 2012

VIA FACSIMILE AND U.S. MAIL

Honorable Kenneth A. Richstad
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

**Re: Beach First National Bank v. The Estate of Margaret Gurnham
a/k/a Margaret Hover and or Brian Hover, Its Personal
Representative
2010-CP-07-03033**

Dear Mr. Richstad:

I am writing regarding the above referenced matter. The appellant's Reply brief is presently due on August 24, 2012. We are requesting a ten (10) day extension in which to file the reply brief. Please be advised that I spoke with Jim Richardson. Mr. Richardson is one of the attorneys who is handling the appeal for the respondent. He has kindly agreed to the appellant's request for extension an extension through September 3, 2012. I have enclosed a firm check in the amount of \$25.00 to cover the filing fee.

By copy of this letter, I am notifying all opposing counsel of this formal request. I am also filing copy of this request by facsimile. Should you have any questions, please contact me at your convenience. With kind regards, I am

Sincerely,



J. Brent Kiker

JBK:ksk

Enclosure

cc: Richard Allen, Esquire
Wm. Newton, Esquire
James Richardson, Esquire

**IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

**APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Marvin H. Dukes, III, Master in Equity**

Case No: 2010-CP-07-03033

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SEP 10 2012

SC Court of Appeals

Beach First National Bank,..... Respondent

v.

**Estate of Margaret Gurnham,..... Appellant.
a/k/a Margaret D. Hover and /or Brian Hover, Its Personal Representative**

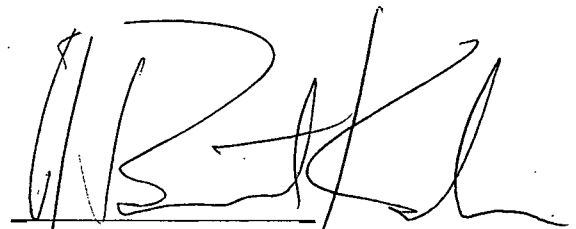
MOTION FOR EXTENSION IN TIME TO FILE REPLY BRIEF

The Appellant, Estate of Margaret Gurnham, hereby moves before this Honorable Court for a thirty (30) day extension in time to file the Reply Brief in the above-captioned matter. The basis for this request is that Counsel for the Appellant has been ill for the last seven (7) days.

The undersigned respectfully requests an additional thirty (30) day extension in which to file the Respondent's Reply Brief. The appellant also asks this Court to hold the time for filing in abeyance until the Court rules on this motion.

Opposing counsel consents to this extension.

Respectfully submitted,



J. Brent Kiker, Esquire
Kiker Law Firm, P.A.
2 Corpus Christie Pl., Ste 200
Post Office Box 5303
Hilton Head Island, S.C. 29938
(843) 842-7300 (Phone)
(409) 419-1048 (Facsimile)
Attorney for Appellant
Estate of Margaret Gurnham

September 4, 2012

**IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

**APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Marvin H. Dukes, III, Master in Equity**

Case No: 2010-CP-07-03033

Beach First National Bank,..... Respondent

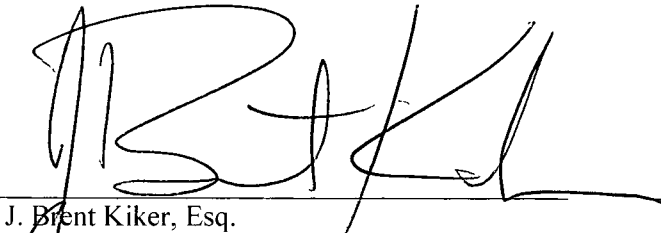
v.

**Estate of Margaret Gurnham,..... Appellant.
a/k/a Margaret D. Hover and /or Brian Hover, Its Personal Representative**

PROOF OF SERVICE

I certify that I have served the Motion for Extension of Time on the Respondent by depositing a copy of it in the United States Mail, postage prepaid, on September 4, 2012 addressed to its attorneys of record Wm. Weston Newton, Post Office Box 1938, Bluffton, South Carolina 29910.

KIKER LAW FIRM, P.A.



J. Brent Kiker, Esq.
Post Office Box 5303
Hilton Head Island, South Carolina 29938
(843) 842-7300 (Phone)
(409) 419-1048 (Facsimile)
Attorney for the Appellant

Hilton Head, South Carolina
September 4, 2012

65504
KIKER LAW FIRM, P.A.
ATTORNEY AT LAW

J. BRENT KIKER
2 CORPUS CHRISTIE PL., STE 200
POST OFFICE BOX 5303
HILTON HEAD ISLAND, SC 29938

843-842-7300 (TELEPHONE)
409-419-1048 (FACSIMILE)

September 4, 2012

VIA FACSIMILE AND U.S. MAIL

Honorable Kenneth A. Richstad
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

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SEP 10 2012

SC Court of Appeals

**Re: Beach First National Bank v. The Estate of Margaret Gurnham
a/k/a Margaret Hover and or Brian Hover, Its Personal
Representative
2010-CP-07-03033**

Dear Mr. Richstad:

Enclosed please find the original and six (6) copies of the Motion for Extension of Time in which to serve and file our Reply Brief in the above-referenced matter. I have also enclosed a Proof of Service and a firm's check in the amount of \$25.00 for the same.

By copy of this letter, I am notifying all opposing counsel of this formal request. I am also filing copy of this request by facsimile. Should you have any questions, please contact me at your convenience. With kind regards, I am

Sincerely,



J. Brent Kiker
JBK:ksk
Enclosure

cc: Richard Allen, Esquire
Wm. Newton, Esquire
James Richardson, Esquire

The South Carolina Court of Appeals

In the matter of Estate of Margaret Dever Hover
Gurnham A/K/A Margaret D. Hover Beach First
National Bank, Appellants,

v.

The Estate of Margaret Gurnham A/K/A Margaret D.
Hover and/or Brian Hover, its personal representative,
Respondents.

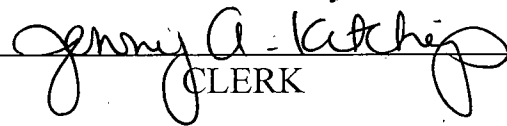
Appellate Case No. 2012-207047

ORDER

The request for an extension of time for serving and filing the reply brief of appellant is granted. The reply brief has been received and is accepted as filed. The record on appeal must be served and proof of service filed with the Court within thirty (30) days of the date of this order.

FOR THE COURT

BY

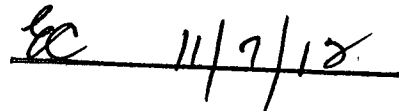

CLERK

Columbia, South Carolina

cc:

Jonathan Brent Kiker
William Weston Jones Newton
James B. Richardson, Jr.

FILED



IKER LAW FIRM, P.A.
ATTORNEY AT LAW

J. BRENT KIKER
2 CORPUS CHRISTIE PL., STE 200
POST OFFICE BOX 5303
HILTON HEAD ISLAND, SC 29938

843-842-7300 (TELEPHONE)
409-419-1048 (FACSIMILE)

November 5, 2012

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

**Re: Beach First National Bank v. The Estate of Margaret Gurnham
a/k/a Margaret Hover and or Brian Hover, Its Personal
Representative
2010-CP-07-03033**

Dear Ms. Kitchings:

Enclosed for filing is the Proof of Service and Certificate of Counsel for the Record on Appeal in the above-referenced matter.

Please return a clocked copy to me in the enclosed self addressed envelope.

If you have any questions, please contact me at your convenience.



J. Brent Kiker

JBK:ksk

Enclosures

cc: Richard Allen, Esquire
Wm. Newton, Esquire
James B. Richardson, Jr., Esquire

RECEIVED

NOV 07 2012

SC Court of Appeals

KIKER LAW FIRM, P.A.

ATTORNEY AT LAW

J. BRENT KIKER
2 CORPUS CHRISTIE PL., STE 200
POST OFFICE BOX 5303
HILTON HEAD ISLAND, SC 29938

843-842-7300 (TELEPHONE)
409-419-1048 (FACSIMILE)

November 20, 2012

Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11620
Columbia, South Carolina 29211

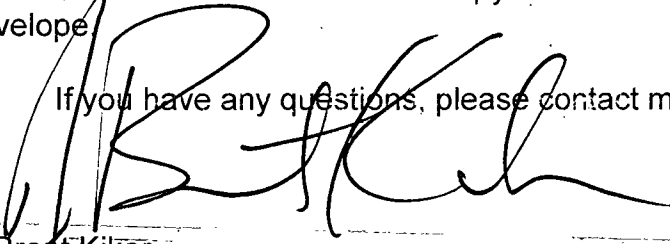
**Re: Beach First National Bank v. The Estate of Margaret Gurnham
a/k/a Margaret Hover and or Brian Hover, Its Personal
Representative
2010=CP=07-03033**

Dear Ms. Kitchings:

Enclosed please find the original and two (2) copies of our Motion for Extension of Time to file the Final Brief and Record on Appeal. I have also enclosed our firm's check in the amount of \$25.00 for filing the motion.

Please return a clocked copy to me in the enclosed self addressed envelope.

If you have any questions, please contact me at your convenience.


J. Brent Kiker
JBK/ksk
Enclosures
cc: Richard Allen, Esquire
Wm. Newton, Esquire
James B. Richardson, Jr., Esquire

RECEIVED

NOV 26 2012

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Marvin H. Dukes, III, Master in Equity

Case No: 2010-CP-07-03033

Beach First National Bank,..... Respondent

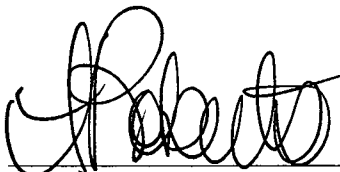
v.

Estate of Margaret Gurnham,..... Appellant.
a/k/a Margaret D. Hover and /or Brian Hover, Its Personal Representative

PROOF OF SERVICE

I, Andrea Roberts, Legal Assistant to J. Brent Kiker, certify that I have served the Motion for Extension of Time by depositing a copy of it in the United States Mail, postage prepaid, on November 20, 2012 addressed to its attorneys of record Wm. Weston Newton, Post Office Box 1938, Bluffton, South Carolina 29910 and James B. Richardson, Jr., 1229 Lincoln Street, Columbia, South Carolina 29201.

IKER LAW FIRM, P.A.



Andrea Roberts
Post Office Box 5303
Hilton Head Island, South Carolina 29938
(843) 842-7300 (Phone)
(409) 419-1048 (Facsimile)
Attorney for the Appellant

Hilton Head, South Carolina
November 20, 2012

RECEIVED
NOV 26 2012

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
In The Court of Appeals

66341

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Marvin H. Dukes, III, Master in Equity

Case No: 2010-CP-07-03033

Beach First National Bank,..... Respondent

v.

**Estate of Margaret Gurnham,..... Appellant.
a/k/a Margaret D. Hover and /or Brian Hover, Its Personal Representative**

MOTION FOR EXTENSION IN TIME TO FILE FINAL BRIEF

The Appellant hereby moves before this Honorable Court for a twenty (20) day extension in time to file the Appellant's Final Brief and Record on Appeal in the above-captioned matter. The Appellant's Final Brief and Record on Appeal in this matter are presently due on or before November 26, 2012. Upon information and belief, a twenty (20) day extension will not prejudice any party nor materially disrupt the scheduling of oral argument or further proceedings before the Court.

The appellant also asks this Court to hold the time for filing in abeyance until the Court rules on this motion.

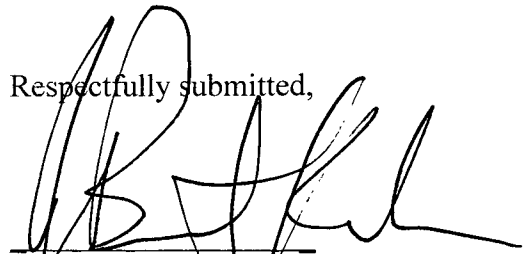
Opposing counsel consents to this extension.

RECEIVED

NOV 26 2012

SC Court of Appeals

Respectfully submitted,



J. Brent Kiker, Esquire
Kiker Law Firm, P.A.
2 Corpus Christie Pl., Ste 200
Post Office Box 5303
Hilton Head Island, S.C. 29938
(843) 842-7300 (Phone)
(409) 419-1048 (Facsimile)
Attorney for Appellant
Estate of Margaret Gurnham

November 20, 2012

The South Carolina Court of Appeals

In the matter of Estate of Margaret Dever Hover
Gurnham A/K/A Margaret D. Hover Beach First
National Bank, Appellants,

v.

The Estate of Margaret Gurnham A/K/A Margaret D.
Hover and/or Brian Hover, its personal representative,
Respondents.

Appellate Case No. 2012-207047

The Honorable Kenneth E. Fulp, Jr., Marvin H. Dukes,
III
Beaufort County
Trial Court Case No. 2010CP0703033

ORDER

The time for serving and filing the appellant's final brief and filing the record on appeal is hereby extended until December 17, 2012.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

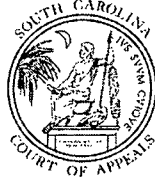
FILED

11/30/12 AT

cc:

William Weston Jones Newton

James B. Richardson, Jr.



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
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February 22, 2013

Mr. Jonathan Brent Kiker
PO Box 5303
Hilton Head Island SC 29938

Re: Est. of Gurnham (Beach First v. Estate)
Appellate Case No. 2012-207047

Dear Counsel:

Upon reviewing your record on appeal, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- The original, unbound record on appeal was received without a title page.
- The original, unbound record on appeal was received without an index.
- The original, unbound record on appeal and all copies of the record reflect a caption that is incorrect. The proper caption, in accordance with Rule 267, SCACR, should appear as follows:

In the matter of Estate of Margaret Dever Hover Gurnham A/K/A Margaret D. Hover:

Beach First National Bank, Respondent,

v.

The Estate of Margaret Gurnham A/K/A Margaret D. Hover and/or Brian Hover,
its personal representative, Appellants.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: William Weston Jones Newton
James B. Richardson, Jr.



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
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February 22, 2013

Mr. Jonathan Brent Kiker
PO Box 5303
Hilton Head Island SC 29938

Re: Est. of Gurnham (Beach First v. Estate)
Appellate Case No. 2012-207047

Dear Counsel:

Upon reviewing your appellant's final brief, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- The caption/title does not comply with Rule 267(a), SCACR.
- The document is not accompanied by the required certificate of counsel.

The proper caption for this matter is:

In the matter of Estate of Margaret Dever Hover Gurnham A/K/A Margaret D. Hover:

Beach First National Bank, Respondent,

v.

The Estate of Margaret Gurnham A/K/A Margaret D. Hover and/or Brian Hover, its personal representative, Appellants.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: William Weston Jones Newton
James B. Richardson, Jr.



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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February 22, 2013

Mr. James B. Richardson, Jr.
1229 Lincoln St.
Columbia SC 29201

Re: Est. of Gurnham (Beach First v. Estate)
Appellate Case No. 2012-207047

Dear Counsel:

Upon reviewing your respondent's final brief, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- The caption/title does not comply with Rule 267(a), SCACR. Specifically, the correct caption for this matter is:

In the matter of Estate of Margaret Dever Hover Gurnham A/K/A Margaret D. Hover:
Beach First National Bank, Respondent,

v.

The Estate of Margaret Gurnham A/K/A Margaret D. Hover and/or Brian Hover, its personal representative, Appellants.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Jonathan Brent Kiker
William Weston Jones Newton



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
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February 22, 2013

Mr. Jonathan Brent Kiker
PO Box 5303
Hilton Head Island SC 29938

Re: Est. of Gurnham (Beach First v. Estate)
Appellate Case No. 2012-207047

Dear Counsel:

Upon reviewing your final reply brief of appellant, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within ten (10) days of the date of this letter:

- The document is not accompanied by the required certificate of counsel.
- A proof of service has not been provided. You must serve and file a proof of service substantially in the format shown by Form 7 in Appendix C to part II of the SCACR.
- The caption/title does not comply with Rule 267(a), SCACR.

The proper caption for this matter is:

In the matter of Estate of Margaret Dever Hover Gurnham A/K/A Margaret D. Hover:
Beach First National Bank, Respondent,
v.

The Estate of Margaret Gurnham A/K/A Margaret D. Hover and/or Brian Hover,
its personal representative, Appellants.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: William Weston Jones Newton
James B. Richardson, Jr.