

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

APPEAL FROM GREENVILLE COUNTY  
The Honorable D. Garrison Hill, Circuit Court Judge

Case No. 2011-CP-23-4259

SAH Industries LLC .....Appellant.

v.

Rose Heatly Summer, Kyle Ashley Wilson,  
Mariannice Katherine Wilson, Carter Lumber of  
the South, Inc., R. Douglas Maddox d/b/a  
Maddox, LLC, and First Citizens Bank and Trust  
Company, Inc.,

of whom Rose Heatly Summer, Kyle Ashley Wilson,  
and Mariannice Katherine Wilson. .... Respondents.

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**RESPONDENTS' RETURN TO MOTION FOR EXTENSION OF  
TIME TO SERVE RECORD ON APPEAL**

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Townes B. Johnson, III, Esq.  
SC Bar No. 75412  
Kenison, Dudley & Crawford, LLC  
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864-242-4899  
[johnson@conlaw.com](mailto:johnson@conlaw.com)  
**Attorney for Appellant**

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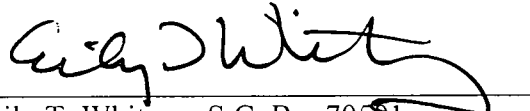
MAY 23 2013

**SC Court of Appeals**

Emily T. Whitney, Esq.  
SC Bar No. 70501  
Devlin & Parkinson, P.A.  
P.O. Box 10387  
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[ewhitney@devlinparkinson.com](mailto:ewhitney@devlinparkinson.com)  
**Attorney for Respondents**

Pursuant to Rule 210(a) of the South Carolina Appellate Court Rules, Appellant was to file the Record on Appeal on or before May 5, 2013. Thereafter on May 15, 2013, Appellant filed a Motion for Extension of Time to Serve Record on Appeal. Respondents object to this request for an extension of time. As part of this lawsuit, Appellant filed a mechanic's lien on Respondents' real property on March 31, 2011. The lien cannot be removed until this litigation has ended. Every day that goes by is another day that Respondents' real property is encumbered. Respondents have been prohibited from refinancing or selling their property for over two years. Respondents, therefore, object to this extension of time and ask that this Court dismiss this appeal for failure to file or seek an extension to file the Record on Appeal within thirty days of service of the last brief. In the alternative, Respondents request this Court to order that the Record on Appeal be filed immediately.

Respectfully submitted,



Emily T. Whitney, S.C. Bar 70501  
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Attorney for Respondents

Date: May 20, 2013  
Greenville, South Carolina

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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

of whom Rose Heatly Summer, Kyle Ashley Wilson,  
and Mariannice Katherine Wilson are ..... Respondents.

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CERTIFICATE OF SERVICE

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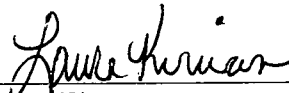
I hereby certify that on the 20<sup>th</sup> day of May, 2013, I served the following with a copy  
of **Respondents' Return to Motion for Extension of Time to Serve Record on Appeal** by  
depositing same in the United States Mail, postage prepaid and properly addressed as follows:

Townes B. Johnson, III, Esq.  
Kenison, Dudley & Crawford, LLC  
704 E. McGee Avenue  
Greenville, SC 29601

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MAY 23 2013

SC Court of Appeals



Laura Kirwan  
Legal Assistant to Emily T. Whitney  
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GREENVILLE, SC 29601

May 20, 2013

EMILY T. WHITNEY

The Honorable Jenny A. Kitchings  
Clerk of Court  
S.C. Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

RE: SAH Industries, LLC vs. Kyle and Mariannice K. Wilson, et al.  
Appellate Case No. 2012-213117

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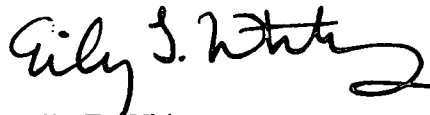
**SC Court of Appeals**

Dear Ms. Kitchings:

Please find enclosed the original and six copies of Respondents' Return to Motion for Extension of Time to Serve Record on Appeal which I would appreciate you filing with the Court in connection with the above matter. I would also appreciate it if you would return a clocked-in copy of the same to my office in the enclosed envelope.

If you should have any questions, please feel free to contact me.

Very truly yours,



Emily T. Whitney

ETWllk

Enclosures

cc: Townes B. Johnson, III, Esq.

**RECEIVED**

MAY 23 2013

**SC Court of Appeals**