

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

6570

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Master in Equity/Circuit Court Judge

Case No. 2009-CP-07-00036

Madeline R. Arata and Kenneth C. Arata.....Appellants,

v.

Village West Owners' Association, Inc.
d/b/a Village West Horizontal Property Regime.....Respondent.

MOTION FOR EXTENSION OF TIME

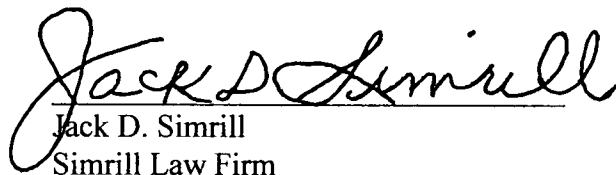
Plaintiffs, Madeline R. Arata and Kenneth C. Arata, (hereinafter "Appellants"), respectfully move for a thirty (30) day extension of time to prepare, file and serve the Appellants' Supplemental Record on Appeal to include Respondent's Designation of Matter and corrected caption errors in the above captioned action. Appellants would respectfully show that additional time is needed to compile the record and correct the errors for which the Respondent should share one-half of the cost because of the volume of irrelevant matter inserted in the record by the Respondent unrelated to the issues as set forth in the December 6, 2012 letter of Jack D. Simrill, counsel for Appellants, to the

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SC Court of Appeals

Honorable Jenny Kitchings, Clerk of the Appellate Court, attached hereto as "Exhibit 1".
Accordingly, Appellants request a thirty day extension of time until June 29, 2013 to
prepare, file and serve Appellants' Supplemental Record on Appeal to include
Respondent' Designation of Matter and corrected caption errors in the above captioned
action.



Jack D. Simrill
Simrill Law Firm
5 Pine Field Road
Hilton Head Island, SC 29926-2013
(843) 415-5293
ATTORNEY FOR APPELLANTS

May 29, 2013

Brian C. Pitts, Esquire
Smoot & Pitts
15C Lafayette Place
P.O. Drawer 23439
Hilton Head Island, SC 29925-3439
(843) 681-3200
ATTORNEY FOR RESPONDENT

JACK D. SIMRILL
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Hilton Head Island, SC 29938
Phone (843) 785-2134
Fax (843) 671-4733

December 6, 2012

Honorable Jenny Kitchings, Clerk
South Carolina Court of Appeals
2014 Sumter Street
Columbia, South Carolina 29901-1128

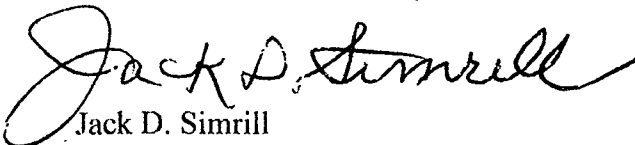
Re: Madeleine R. Arata and Kenneth C. Arata
v. Village West Owners' Association, Inc., etc.
Case No. 09-CP-07-00036

Dear Ms. Kitchings:

In reference to the Designation of Matter to be Included in the Record on Appeal, attached Exhibit 1, submitted to my office by Brian Pitts, the Attorney for the Respondents in the above matter, I wish to respectfully inform the Court that the requests of Mr. Pitts include matters that are irrelevant to the Appeal and do not comply with the South Carolina Court of Appeals Rule 209(b),(c); Rule 210(c); Rule 222(c) and the requirements of Rule 267.

In addition, I attempted to contact Mr. Pitts by telephone to inform him of the specific matters contained in his request that I was not in possession of, attached Exhibit 2, giving him an opportunity to forward these matters to me for inclusion into the Record on Appeal. To date, Mr. Pitts has not returned my telephone call therefore the matters in question could not be entered into the Record in the time allowed to print and file.

Yours Respectfully,


Jack D. Simrill

JDS/ssr

Enclosures: Designation of Matter to be
Included in the Record on Appeal

Appellants' response to Respondent's Matter
to be Included in the Record on Appeal

EXHIBIT "1"

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Marvin H. Dukes, III, Master in Equity/Circuit Court Judge

Case No. 2009-CP-07-00036

Madeline R. Arata and Kenneth C. Arata.....Appellants,

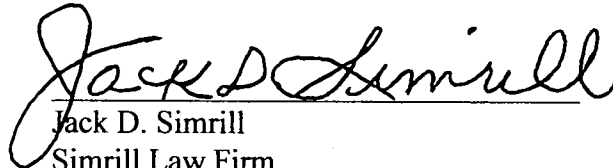
v.

Village West Owners' Association, Inc.
d/b/a Village West Horizontal Property Regime.....Respondent.

MEMORANDUM OF LAW IN SUPPORT OF
MOTION FOR EXTENSION OF TIME

Plaintiffs, Madeline R. Arata and Kenneth C. Arata,(hereinafter "Appellants"), have moved for a thirty (30) day extension of time in which to prepare, file and serve the Appellants' Supplemental Record on Appeal to include Respondent' Designation of Matter and corrected caption errors in the above captioned action. Rule 234, SCACR, provides that, "the time prescribed by these Rules for performing any act except the time for serving the notice of appeal under Rules 203 and 227 may be extended or shortened by the appellate court, or any judge or justice thereof." For the reasons set forth in the

Motion, Appellants respectfully request a thirty day extension of time until June 29, 2013 to prepare, file and serve its Supplemental Record on Appeal to include Respondent's Designation of Matter and corrected caption errors in the above captioned action.



Jack D. Simrill
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(843) 415-5293
ATTORNEY FOR APPELLANTS

May 29, 2013

Brian C. Pitts
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THE STATE OF SOUTH CAROLINA
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Case No. 2009-CP-07-00036

Madeline R. Arata and Kenneth C. Arata.....Appellants,

v.

Village West Owners' Association, Inc.
d/b/a Village West Horizontal Property Regime.....Respondent.

CERTIFICATE OF SERVICE


I hereby certify that on May 29, 2013, a copy of the Motion for an Extension of Time to prepare, file and serve the Appellants' Supplemental Record on Appeal to include the Respondent's Designation of Matter and corrected caption errors in the above captioned action was served on the Respondent, Village West Owners' Association, Inc. d/b/a Village West Horizontal Property Regime, by hand delivery in the manner prescribed by the applicable rules of Civil Procedure addressed to its counsel as follows:

Brian C. Pitts, Esquire
Smoot & Pitts
15C Lafayette Place
P.O. Drawer 23439
Hilton Head Island, SC 29925-3439

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A handwritten signature in black ink that reads "Jack D. Simrill". The signature is written in a cursive style with a large initial "J".

Jack D. Simrill
Simrill Law Firm
5 Pine Field Road
Hilton Head Island, SC 29926-2013
(843) 415-5293
ATTORNEY FOR APPELLANTS

May 29, 2013