

68701

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

John C. Hayes, III,
Circuit Court Judge

Case No.: 2012-213730

Juontonio Pinckney, Josephine Sciacca, Addie Smith, James Barone, Deborah Barone,
Ismael Gonzalez, Valerie Gonzalez, Joe Moore, and Sandra Moore, Plaintiffs

v.

Epcon Communities, Inc., Epcon Communities Franchising, Inc., Brock L. Fankhauser,
Fankhauser Property Group, Inc., Stonecrest Villas of Tega Cay, LLC, and Stonecrest
Villas of Tega Cay Owners'
Association, Inc., Defendants,

Of whom Epcon Communities, Inc. and Epcon Communities Franchising, Inc., are the
Respondents,

And Fankhauser Property Group, Inc. is the Appellant.

Fankhauser Property Group, Inc., Third Party Plaintiff,

v.

Architectural Alliance, Ltd., Exterior Expressions of North Carolina, Inc., Al-Mega
Construction, Inc., Procar, Inc., Procar II, Inc., The Southeastern Group, Inc., Lucas
Lawn and Landscape, Inc., Jose Simenez, individually and d/b/a/ M&L Roofing Co.,
LLC and/or MB Roofing Company, Third Party Defendants,

Stonecrest Villas of Tega Cay Condominium Owners Association, Inc., Third Party
Plaintiff,

v.

Stonecrest Villas of Tega Cay, LLC and Epcon Communities Franchising, Inc., Third
Party Defendants.

RECEIVED

JUN 07 2013

Exterior Expressions of North Carolina, Inc., Fourth Party Plaintiff,

v.

Marcos Gonzalez, Fourth Party Defendant

Procar, Inc. and Procar II, Inc., Fourth Party Plaintiffs,

v.

Marcos Zertuche, David Carbajal, Victorina Cortez, Balancos Construction Co., Balanos Framing, Inc., Ricardo Hernandez, and Silverio Cortez, Fourth Party Defendants.

Al-Mega Construction, Inc., Fourth Party Plaintiff,

v.

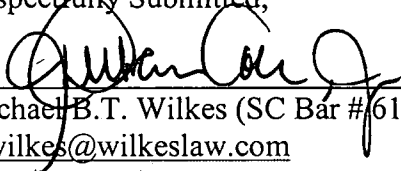
Noe Perez, Juan Abundez Saucedo, and Moises Chavarra Hernandez, Fourth Party Defendants.

MOTION FOR EXTENSION OF TIME TO FILE INITIAL BRIEF OF
RESPONDENTS EPCON COMMUNITIES, INC. AND EPCON COMMUNITIES
FRANCHISING, INC.

Pursuant to Rules 240, 263 and 267, SCACR, Respondents Epcon Communities, Inc. (“ECI”) and Epcon Communities Franchising, Inc. (“ECFI”) request an additional thirty (30) days within which to file their Initial Brief in this matter on appeal. According to the Proof of Service, Appellant Fankhauser Property Group, Inc. (“FPG”) served its Initial Brief on May 31, 2013. Therefore, ECI and ECFI calculate that their Initial Brief of Respondent is currently due July 1, 2013. Due to the undersigned’s participation in the currently contemplated continuation of the session of the South Carolina General Assembly through the end of the month of June as well as previously scheduled vacation, the undersigned respectfully moves this Honorable Court for an extension of time to file

Respondents' Initial Brief until July 31, 2013. The undersigned has contacted counsel for Appellant FPG regarding this matter, who does not object.

Respectfully Submitted,



Michael B.T. Wilkes (SC Bar #6107)
mwilkes@wilkeslaw.com
J. Derham Cole, Jr. (SC Bar # 70269)
dcole@wilkeslaw.com

WILKES LAW FIRM, PA
127 Dunbar Street, Suite 200
Spartanburg, South Carolina 29306
(864) 591-1113
(864) 591-1767 (fax)

Attorneys for Respondents Epcon Communities,
Inc. and Epcon Communities Franchising, Inc.

June 4, 2013
Spartanburg, South Carolina

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas

John C. Hayes, III,
Circuit Court Judge

Case No.: 2012-213730

Juontonio Pinckney, Josephine Sciacca, Addie Smith, James Barone, Deborah Barone, Ismael Gonzalez, Valerie Gonzalez, Joe Moore, and Sandra Moore, Plaintiffs

v.

Epcon Communities, Inc., Epcon Communities Franchising, Inc., Brock L. Fankhauser, Fankhauser Property Group, Inc., Stonecrest Villas of Tega Cay, LLC, and Stonecrest Villas of Tega Cay Owners' Association, Inc., Defendants,

Of whom Epcon Communities, Inc. and Epcon Communities Franchising, Inc., are the Respondents,

And Fankhauser Property Group, Inc. is the Appellant.

Fankhauser Property Group, Inc., Third Party Plaintiff,

v.

Architectural Alliance, Ltd., Exterior Expressions of North Carolina, Inc., Al-Mega Construction, Inc., Procar, Inc., Procar II, Inc., The Southeastern Group, Inc., Lucas Lawn and Landscape, Inc., Jose Simenez, individually and d/b/a/ M&L Roofing Co., LLC and/or MB Roofing Company, Third Party Defendants,

Stonecrest Villas of Tega Cay Condominium Owners Association, Inc., Third Party Plaintiff,

v.

Stonecrest Villas of Tega Cay, LLC and Epcon Communities Franchising, Inc., Third Party Defendants.

Exterior Expressions of North Carolina, Inc., Fourth Party Plaintiff,

v.

Marcos Gonzalez, Fourth Party Defendant

Procar, Inc. and Procar II, Inc., Fourth Party Plaintiffs,

v.

Marcos Zertuche, David Carbajal, Victorina Cortez, Balancos Construction Co., Balanos Framing, Inc., Ricardo Hernandez, and Silverio Cortez, Fourth Party Defendants.

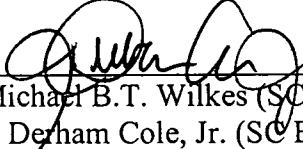
Al-Mega Construction, Inc., Fourth Party Plaintiff,

v.

Noe Perez, Juan Abundez Saucedo, and Moises Chavarra Hernandez, Fourth Party Defendants.

PROOF OF SERVICE

The undersigned counsel for Respondents Epcon Communities, Inc. and Epcon Communities Franchising, Inc. certifies that he has served Respondents' Motion for Extension of Time to File Initial Brief on counsel for Appellant Fankhauser Property Group, Inc., Graham P. Powell and Morgan S. Templeton, Wall Templeton & Haldrup, P.A., PO Box 1200, Charleston, SC 29402, as well as other parties' counsel set forth on the following page by depositing a copy of same in the U.S. Mail, postage prepaid, on this 4th day of June, 2013.


Michael B.T. Wilkes (SC Bar # 6107)
J. Derham Cole, Jr. (SC Bar # 70269)

WILKES LAW FIRM, PA
127 Dunbar Street, Suite 200
Spartanburg, South Carolina 29306
(864) 591-1113
(864) 591-1767 (fax)

Attorneys for Respondents Epcon Communities,
Inc. and Epcon Communities Franchising, Inc.

Other counsel of record served:

Curtis W. Dowling, Esq.
Barnes Alford Stork & Johnson, L.L.P.
PO Box 8448
Columbia, South Carolina 29202
Attorney for Stonecrest Villas of Tega Cay Owners' Association, Inc.

Brett Dressler, Esq.
Sellers Hinshaw Ayers Dortch & Lyons, P.A.
301 S. McDowell Street
Charlotte, North Carolina 28204-2686
Attorney for Stonecrest Villas of Tega Cay Owners' Association, Inc.

Bradford W. Cranshaw, Esq.
Grier, Cox & Cranshaw, LLC
PO Box 2823
Columbia, South Carolina 29202-2823
Attorney for Epcon Communities, Inc. and Epcon Communities Franchising, Inc.

J. Cameron Halford
Halford, Niemec & Freeman, L.L.P.
238 Rockmont Drive
Fort Mill, South Carolina 29708
Attorney for Plaintiffs

WILKES LAW FIRM P.A.

MICHAEL B. T. WILKES*
MATTHEW E. COX**
ELLEN S. CHEEK*
J. DERHAM COLE, JR.
ELIZABETH F. BAILEY*
C. DANIEL ATKINSON*
DEREK M. NEWBERRY*
LINDSAY L. BUILDER*

*CHARLESTON OFFICE
**ALSO MEMBER GEORGIA BAR
*ALSO MEMBER NORTH CAROLINA BAR
*ALSO MEMBER VIRGINIA BAR
*ALSO MEMBER D.C. BAR

WILKES LAW FIRM, P.A.
SPARTANBURG OFFICE
127 DUNBAR STREET, SUITE 200
SPARTANBURG, SOUTH CAROLINA 29306
864.591.1113
TOLL FREE 866.920.1113
FAX 864.591.1767

CHARLESTON OFFICE
200 MEETING STREET, SUITE 205
CHARLESTON, SOUTH CAROLINA 29401
843.737.6229

WWW.WILKESLAW.COM

June 4, 2013

VIA U.S. MAIL

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

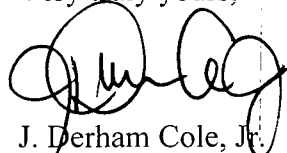
**Re: *Juontonio Pinckney, et al., Plaintiffs v. Epcon Communities, Inc., et al.,
Defendants.***
In the South Carolina Court of Appeals
Appellate Case No.: 2012-213730

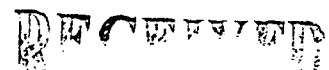
Dear Ms. Kitchings:

Please find enclosed for filing one original and seven (7) copies of Respondents' Epcon Communities, Inc. and Epcon Communities Franchising, Inc. Motion for Extension of Time to File Initial Brief in the above-referenced matter. Also enclosed is the requisite filing fee of \$25.00. Please file the original and return a stamped copy to me in the enclosed envelope. By copy of this letter, I am serving all counsel of record with same.

With kind regards I remain,

Very truly yours,


J. Derham Cole, Jr.
dcole@wilkeslaw.com



JUN 07 2013

SC Court of Appeals

Enclosures
cc: Counsel of Record