

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No.: 2005-CP-10-4101

The Milton P. Demetre Family Limited PartnershipAppellant

v.

Harry Beckmann, III, Patricia P. Beckmann, Annie Ruth Hilton Crowley,
Raymond Moody Crowley, Donald William Crowley, Harris L. Crowley, Jr.,
and Annie Ruth Crowley Atkinson Respondents

**APPELLANT'S REPLY TO RESPONDENTS'
LETTER TO THIS COURT OF JULY 23, 2013**

Appellant respectfully submits this Reply to Respondents' letter to this Court of July 23, 2013. On July 18, 2013, Appellant filed Appellant's Motion to File and Serve a Supplemental Return of Appellant to Respondents' Motion to Compel Inclusion of Material Omitted from the Record on Appeal ("Appellant's Motion"). Respondents submitted a letter to this Court dated July 23, 2013 making arguments and citing authority against Appellants' Motion. Appellant construes Respondents' letter as a Return.

Respondents argue that the Appellate Court Rules do not provide for a Supplemental Return and that, if permitted, a Supplemental Return should be allowed only within the five days allowed for filing a Reply, whereas Appellant filed within eight days.

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However, Rule 240(e) provides, "The court may in its discretion enlarge or limit the time for filing a return." Here, Appellant has filed a motion to file and serve a Supplemental Return, which appears to be within the scope of Rule 240(e).

The basis of Appellant's motion is that the Supplemental Return is needed to address new arguments and facts asserted in Respondents' Reply. The courts of this State have long refused to elevate form over substance, and, without such a filing, Appellant would have no opportunity to be heard as to the new issues and facts Respondents assert.

For these reason, Appellant's Motion to File and Serve a Supplemental Return should be granted.

July 29, 2013

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v.

Harry Beckmann, III, Patricia P. Beckmann, Annie Ruth Hilton Crowley,
Raymond Moody Crowley, Donald William Crowley, Harris L. Crowley, Jr.,
and Annie Ruth Crowley AtkinsonRespondents.

PROOF OF SERVICE

I certify that I have served a copy of Appellant's Reply to Respondents' Letter to this Court of July 23, 2013 on Harry Beckmann, III, Patricia P. Beckmann, Annie Ruth Hilton Crowley, Raymond Moody Crowley, Donald William Crowley, Harris L. Crowley, Jr., and Annie Ruth Crowley Atkinson by depositing a copy of it in the United States Mail, postage prepaid, on July 29, 2013, addressed to their attorneys of record, Jefferson D. Griffith, III, Esquire, and Richard L. Witt, Esquire, Austin & Rogers, P.A., Post Office Box 11716, Columbia, South Carolina 29211.

July 29, 2013

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July 29, 2013

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

Re: The Milton P. Demetre Family Limited Partnership vs.
Harry Beckmann, III, et al
Appellate Case No. 2012-212136

Dear Ms. Kitchings:

Enclosed for filing please find:

- The original and seven (7) copies of Appellant's Reply to Respondent's Letter to this Court of July 23, 2013; and
- The original and one copy of Proof of Service.

Please return stamped copies in the envelope provided.

Best wishes.

Very truly yours,

Cain Denny

Cain Denny

c.c. Jefferson D. Griffith, III, Esquire (with enclosures)
Richard L. Witt, Esquire (with enclosures)
John Hughes Cooper, Esquire (with enclosures)
Mr. Milton P. Demetre (with enclosures)

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