

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas  
John M. Milling, Special Referee

Case No. 2009-CP-26-10053

Harleysville Group Insurance, a Pennsylvania corporation, ... Appellant/Respondent,

v.

Heritage Communities, Inc., a South Carolina corporation;  
Heritage Riverwalk, a South Carolina corporation;  
Buildstar Corp., a South Carolina corporation; Riverwalk at  
Arrowhead Country Club Horizontal Property Regime;  
Riverwalk at Arrowhead Country Club Property Owners  
Assoc., Inc., a South Carolina Corporation; National  
Surety Corp.; and Tony L. Pope and Lynn Pope,  
individually and representing as a class all unit owners at  
Riverwalk at Arrowhead Country Club Horizontal Property  
Regime, .....

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SC Court of Appeals  
Defendants,

Of whom Heritage Communities, Inc., a South Carolina  
corporation; Heritage Riverwalk, a South Carolina  
corporation; Buildstar Corp., a South Carolina corporation;  
National Surety Corp.; and Tony L. Pope and Lynn Pope,  
individually and representing as a class all unit owners at  
Riverwalk at Arrowhead Country Club Horizontal Property  
Regime are.....

Respondents,

And Riverwalk at Arrowhead Country Club Horizontal  
Property Regime and Riverwalk at Arrowhead Country  
Club Property Owners Assoc., Inc., are ..... Respondents/Appellants.

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**Appellant/Respondent's Motion For Extension  
of Time—Consent Granted**

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Appellant/Respondent Harleysville Group Insurance ("Harleysville") hereby  
requests an additional 30-day extension to file its initial Response Brief. This request is

made due to other case demands and scheduling reasons and to allow for time needed to prepare and file Harleysville's initial Response Brief.

This is the second extension request by Harleysville. No prejudice will be caused to any party by this additional 30-day extension. Opposing counsel has been consulted and consents to the requested extension. (See attached.)

The current due date for Harleysville's initial Response Brief is October 16, 2013. With a 30-day extension, Harleysville's Response Brief would be due on November 15, 2013. Harleysville further requests that the current deadline be held in abeyance until this Court issues an order on this motion.

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

C. Mitchell Brown  
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Attorneys for Appellant/Respondent Harleysville

October 11, 2013  
Columbia, South Carolina

**Lisa Whitehurst**

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**From:** Miles Coleman  
**Sent:** Friday, October 11, 2013 1:47 PM  
**To:** Lisa Whitehurst  
**Subject:** FW: briefs in Mag North and Riverwalk

From: Laura Evans [mailto:Laura.Evans@smithmoorelaw.com]  
Sent: Thursday, October 10, 2013 7:53 PM  
To: Mitch Brown  
Subject: Re: briefs in Mag North and Riverwalk

I consent.

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On Oct 10, 2013, at 7:48 PM, "Mitch Brown" <mitch.brown@nelsonmullins.com> wrote:

Laura:

I forgot to ask you for your consent. Can you please reply with your consent? Thanks!

Mitch

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From: Pat Henry [mailto:PHenry@thompsonlaw.com]  
Sent: Wednesday, October 09, 2013 6:19 AM  
To: Mitch Brown  
Subject: Re: briefs in Mag North and Riverwalk

No problem I will consent. I will probably need 2 extensions. I have a vacation planed beginning November 1.

Sent from my Verizon Wireless 4G LTE Smartphone

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From: Mitch Brown  
Date: 10/09/2013 12:43 AM (GMT-05:00)  
To: Pat Henry <PHenry@thompsonlaw.com<mailto:PHenry@thompsonlaw.com>>  
Subject: Re: briefs in Mag North and Riverwalk Hi Pat:

I would appreciate you consenting to our getting another extension to file respondents' briefs to your Appellants' briefs due to various other work deadlines and issues. Please let me know. If you need an extension to complete your appellate briefs responding to the Mag North and Riverwalk appellants' briefs, I will consent. Thanks.

Sent from my BlackBerry Wireless Handheld

Confidentiality Notice

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas  
John M. Milling, Special Referee

Case No. 2009-CP-26-10053  
Appellate Case No. 2013-001291

Harleysville Group Insurance, a Pennsylvania  
corporation,..... Appellant/Respondent,

v.

Heritage Communities, Inc., a South Carolina  
corporation; Heritage Riverwalk, a South Carolina  
corporation; Buildstar Corporation, a South  
Carolina corporation; Riverwalk at Arrowhead  
Country Club Horizontal Property Regime;  
Riverwalk at Arrowhead Country Club Property  
Owners Association, Inc., a South Carolina  
corporation; National Surety Corp., and Tony L.  
Pope and Lynn Pope, individually and representing  
as a class all unit owners at Riverwalk at  
Arrowhead Country Club Horizontal Property  
Regime, .....

Defendants.

Of whom Heritage Communities, Inc., a South  
Carolina corporation; Heritage Riverwalk, a South  
Carolina corporation; Buildstar Corporation, a  
South Carolina corporation; National Surety Corp.,  
and Tony L. Pope and Lynn Pope, individually and  
representing as a class all unit owners at Riverwalk  
at Arrowhead Country Club Horizontal Property  
Regime, .....

Respondents,

And Riverwalk at Arrowhead Country Club  
Horizontal Property Regime; Riverwalk at  
Arrowhead Country Club Property Owners  
Association, Inc. are, ..... Respondents/Appellants.

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PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellant/Respondent, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

Appellant/Respondent's Motion for Extension of Time—  
Consent Granted

Counsel Served:

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Philip C. Thompson, Esquire  
Thompson & Henry  
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Karin McCarthy, Esquire  
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Uniondale, NY 11556

  
\_\_\_\_\_  
Lisa P. Whitehurst  
Administrative Assistant

October 11, 2013

# Nelson Mullins

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October 11, 2013

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
SC Court of Appeals  
1015 Sumter Street - 5th Floor  
Columbia, SC 29201

RE: Harleysville Group Insurance v. Heritage Communities, Inc., a South Carolina Corporation; Heritage Riverwalk, a South Carolina Corporation; et al.  
C.A. No.: 2009-CP-26-10053  
Appellate Case No.: 2013-001291  
Our File No.: 00470.01581

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of Appellant/Respondent's Motion for an Extension of time in which to file its Response to the initial brief of Respondents/Appellants in the above-captioned matter. We would ask that you file the original and return a clocked-in copy to us via our courier. Also enclosed is our Firm check in the amount of \$25.00 as the required filing fee.

With kind regards, I remain

Sincerely yours,

  
C. Mitchell Brown

CMB:lpw  
Enclosure

cc: John P. Henry, Esquire  
Laura Johnson Evans, Esquire

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OCT 11 2013

**SC Court of Appeals**