

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Benjamin H. Culbertson  
Circuit Court Judge

---

170256

Case No.: 2012-CP-26-8652  
Appellate Case No.: 2013-001178

---

TriStar Investors, Inc., Minerva Realty, LLC, and  
Angeline Johnson .....Appellants

v.

The Horry County Council and American Towers, LLC .....Respondents

---

RESPONDENT AMERICAN TOWERS, LLC'S  
MOTION FOR EXTENSION OF TIME TO FILE  
INITIAL BRIEF AND DESIGNATION OF MATTER

---

Thomas S. Tisdale, Jr., Esquire  
Jonathan L. Yates, Esquire  
Jason S. Smith, Esquire  
*HELLMAN YATES & TISDALE, PA*  
145 King Street, Suite 102  
Charleston, South Carolina 29401  
T: 843.266.9099  
F: 843.266.9188  
ts@hellmanyates.com  
jly@hellmanyates.com  
js@hellmanyates.com  
ATTORNEYS FOR RESPONDENT  
AMERICAN TOWERS, LLC

October 31, 2013

RECEIVED

NOV 01 2013

SC Court of Appeals


Counsel for the Defendant, American Towers, LLC (“Respondent”), hereby respectfully moves the Court, pursuant to Rule 240(a), SCACR, for a thirty (30) day extension of time to file the Initial Brief and Designation of Matter to be included in the Record on Appeal.

As a result of said Respondent’s counsel’s caseload and work schedule, Respondent respectfully contends that good cause exists for an extension of time to file its Initial Brief and Designation of Matter.

Wherefore, Respondent, American Towers, LLC contends that this appeal and the interest of justice will be served by granting said Respondent an extension of time, Respondent therefore respectfully prays the Court for an order granting this Respondent an extension of thirty (30) days to file its Initial Brief and Designation of Matter to be included in the Record on Appeal.

Accordingly, Respondent requests the Court to enter an Order enlarging the time up to and including December 6, 2013, for the Respondents to submit their Initial Brief and Designation of Matter to be included in the Record on Appeal.

Respectfully submitted:

By:   
Thomas S. Tisdale, Jr., Esquire  
Jonathan L. Yates, Esquire  
Jason S. Smith, Esquire  
*HELLMAN YATES & TISDALE, PA*  
145 King Street, Suite 102  
Charleston, South Carolina 29401  
T: 843.266.9099  
F: 843.266.9188  
ts@hellmanyates.com  
jly@hellmanyates.com  
js@hellmanyates.com  
ATTORNEYS FOR RESPONDENT  
AMERICAN TOWERS, LLC

Charleston, South Carolina  
October 31, 2013

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Benjamin H. Culbertson  
Circuit Court Judge

---

Case No.: 2012-CP-26-8652  
Appellate Case No.: 2013-001178

---

TriStar Investors, Inc., Minerva Realty, LLC, and  
Angeline Johnson .....Appellants

v.

The Horry County Council and American Towers, LLC.....Respondents

---

PROOF OF SERVICE

---

I, Ann Skipper Ballenger, paralegal for the attorneys representing Respondent American Towers, LLC, 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:

Respondent American Towers, LLC's Motion for Extension of Time to File  
Initial Brief and Designation of Matter

Counsel Served:


Susan P. MacDonald, Esquire  
Nelson, Mullins, Riley & Scarborough, LLP  
3751 Robert M. Grissom Parkway, Suite 300  
Post Office Box 3939 (29578-3939)  
Myrtle Beach, S.C. 29577-3165

Michael J. Anzelmo, Esquire  
Nelson, Mullins, Riley & Scarborough, LLP  
1320 Main Street, 17<sup>th</sup> Floor  
Post Office Box 11070 (29211-1070)  
Columbia, S.C. 29201  
Attorneys for Appellants TriStar Investors, Inc.,  
Minerva Realty, LLC, and Angeline Johnson

David C. Slough, Esquire  
Nexsen Pruetz, LLC  
1101 Johnson Avenue, Suite 300  
Myrtle Beach, S.C. 29577  
Attorney for Respondent American Towers, LLC

Thomas C. Brittain, Esquire  
A. Preston Brittain, Esquire  
The Brittain Law Firm, P.A.  
4614 Oleander Drive  
Myrtle Beach, S.C. 29577  
Attorneys for Respondent American Towers, LLC

Emma Ruth Brittain, Esquire  
Thomas & Brittain, P.A.  
Post Office Box 1290  
Myrtle Beach, S.C. 29578  
Attorney for Respondent Horry County Council

  
Ann Skipper Ballenger  
HELLMAN YATES & TISDALE, PA  
145 King Street, Suite 102  
Charleston, South Carolina 29401  
T: 843.266.9099  
F: 843.266.9188

October 31, 2013

# HELLMAN YATES & TISDALE

ATTORNEYS AND COUNSELORS AT LAW

THOMAS S. TISDALE  
DIRECT VOICE 843 414-9757  
TST@HELLMANYATES.COM

HELLMAN YATES & TISDALE, PA  
145 KING STREET, SUITE 102  
CHARLESTON, SOUTH CAROLINA 29401  
V 843 266-9099  
F 843 266-9188

October 31, 2013

**Via FedEx (tracking no.: 797049347845)**

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals Clerk of Court  
1015 Sumter Street  
Columbia, S.C. 29201

RE: *TriStar Investors, Inc., Minerva Realty, LLC, and Angeline Johnson v. The Horry County Council and American Towers, LLC*  
Appellate Case No: 2013-001178  
Our File No.: 01417

Dear Ms. Kitchings:

Enclosed herein please find one (1) original and seven (7) copies of Respondent American Towers, LLC's Motion for Extension of Time to File Initial Brief and Designation of Matter and a check in the amount of \$25.00 for the filing fee.

Please return one file-stamped copy of the motion to our office in the enclosed, self-addressed stamped envelope.

Please be advised that by copy of this letter, I am simultaneously serving opposing counsel and all involved parties with a copy of the same.

Thank you for your assistance. If you have any questions, please do not hesitate to contact me at your convenience.

With kindest regards, I am

Very truly yours,



Thomas S. Tisdale

TST:asb  
Encs.

**RECEIVED**  
NOV 01 2013  
**SC Court of Appeals**

October 31, 2013

Page 2

cc: Susan P. MacDonald, Esq.  
Michael J. Anzelmo, Esq.  
David C. Slough, Esq.  
Thomas C. Brittain, Esq.  
A. Preston Brittain, Esq.  
Emma Ruth Brittain, Esq.  
Arrigo P. Carotti, Esq., Horry County Attorney