

RECEIVED

Mar 03 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM AIKEN COUNTY  
Court of Common Pleas for the Second Judicial Circuit

The Honorable Walton J. McLeod, Circuit Court Judge

---

Appellate Case No.: 2026-000123  
Trial Court Case No.: 2025-CP-02-02223

---

Sage Mill Residential, Ltd,

Appellant,

v.

Aiken County, South Carolina and Aiken County Planning  
Commission,

Respondents.

---

**APPELLANT’S MOTION FOR CLARIFICATION OF DEADLINE OR IN THE  
ALTERNATIVE MOTION FOR EXTENSION OF TIME TO FILE INITIAL BRIEF  
AND DESIGNATION OF MATTER**

---

COMES NOW Appellant Sage Mill Residential, Ltd, (“Appellant”), by and through its undersigned counsel, and hereby requests a clarification as to the deadline to file Appellant’s Initial Brief and Designation of Matter or in the alternative an extension of time to file Appellant’s Initial Brief and Designation of Matter to be Included in the Record on Appeal in the above-referenced appeal. As grounds for this Motion, Appellant states as follows:

1. On January 20, 2026, Appellant submitted a request for a transcript through the South Carolina Office of Court Administration.<sup>1</sup> A copy of that correspondence was filed with the Court and is attached as Exhibit A.

2. On February 25, 2026, Counsel received an overdue invoice for Legal Eagle which was paid on March 2, 2026.

3. On March 3, 2026, after payment of the invoice, it was discovered that a copy of the transcript was provided to Appellant on January 20, 2026, the same day that the request was submitted.

4. Pursuant to Rule 240 of the South Carolina Appellate Court Rules, Appellant respectfully requests that the time frame for filing Appellant's Initial Brief and Designation of Matter be clarified as to reflect the discovery of the transcript on March 3, 2026.

5. With this clarification requested herein, Appellant's Initial Brief and Designation of Matter will be due on Thursday, April 2, 2026.

6. In the alternative, Appellant respectfully requests a thirty (30) day extension of time to file Appellant's Initial Brief and Designation of Matter from February 19, 2026, the initial deadline based on the receipt of the transcript on January 20, 2026.

7. With the extension of time as requested in the alternative, Appellant's Initial Brief and Designation of Matter would be due on Monday, March 23, 2026.

---

<sup>1</sup> Appellant had previously requested an expedited transcript the day after Judge Walton McLeod held the Circuit Court appellate hearing on October 7, 2025, for purposes of drafting a motion to reconsider. Appellant received the expedited transcript on October 15, 2025. Appellant did not believe that this transcript received in October would be the final transcript for purposes of an appeal. Thus, a separate request for final transcript was made through the Court Administration on January 20, 2026.

8. The deadline for filing Appellant's Initial Brief and Designation of Matter has not been previously extended.

9. For these reasons, Appellant Sage Mill Residential Ltd respectfully requests that the deadline to file the Initial Brief of Appellant and Designation of Matter to be Included in the Record on Appeal be clarified as to reflect the discovery of the transcript or in the alternative a thirty-day extension of time.

Respectfully submitted,

By: *s/Ellis R. Lesemann*  
Ellis R. Lesemann, Esq. (S.C. Bar No. 15315)  
[erl@lalawsc.com](mailto:erl@lalawsc.com)  
Michelle A. Stewart, Esq. (S.C. Bar No. 100685)  
[mas@lalawsc.com](mailto:mas@lalawsc.com)  
Robert T. Bonds, Esq. (S.C. Bar No. 106271)  
[rtb@lalawsc.com](mailto:rtb@lalawsc.com)  
LESEMANN & ASSOCIATES LLC  
418 King Street, Suite 301  
Charleston, SC 29403  
Phone: (843) 724-5155

March 3, 2026  
Charleston, South Carolina

*Attorneys for Appellant*

# EXHIBIT A

# LESEMANN & ASSOCIATES LLC

CIVIL LITIGATION | BUSINESS DISPUTES

NINA M. THOMAS, PARALEGAL  
EMAIL: [nmt@lalawsc.com](mailto:nmt@lalawsc.com)

418 KING STREET, SUITE 301  
CHARLESTON, SOUTH CAROLINA 29403

TELEPHONE (843) 724-5155

DIRECT: (843) 203-0473  
WEBSITE: [www.lalawsc.com](http://www.lalawsc.com)

January 20, 2026

**RECEIVED**

**Jan 20 2026**

**SC Court of Appeals**

**VIA EMAIL ONLY**

South Carolina Office of Court Administration  
1220 Senate Street, Suite 200  
Columbia, SC 29201  
[transcripts@sccourts.org](mailto:transcripts@sccourts.org)

Re: Request for Transcript of Hearing on October 7, 2025  
*Sage Mill Residential, Ltd. v. Aiken County, South Carolina and Aiken County  
Planning Commission (Case No.: 2025-CP-02-02223)*

Dear Sir or Madam:

This firm represents Sage Mill Residential, Ltd. in connection with the above-referenced matter, which is pending appeal to the South Carolina Court of Appeals.

On Tuesday, October 7, 2025, at 9:30 a.m., a hearing was held before the Honorable Walton J. McLeod, IV, Circuit Court Judge, in the above-referenced appeal. Pursuant to Rule 207 of the South Carolina Appellate Court Rules, I am writing to request that you please provide me with a transcript of the proceeding held on October 7, 2025, before Judge McLeod. A Transcript Request Form is enclosed with this letter.

Please provide me with an invoice for this transcript request at your earliest convenience. Thank you for your assistance with this matter.

With best regards,



Nina M. Thomas  
Paralegal

NMT

Enclosure

cc: Andrew F. Lindeman, Esq. ([Andrew@ldlawsc.com](mailto:Andrew@ldlawsc.com))  
S.C. Court of Appeals Clerk of Court ([ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org))

**TRANSCRIPT REQUEST FORM**

Pursuant to Rule 207 and 607 of the South Carolina Appellate Court Rules, the transcribed paper copy is the official record of court proceedings. You may request a transcript by completing this form and emailing it to the Court Reporter/Transcriptionist and to South Carolina Court Administration at [transcripts@sccourts.org](mailto:transcripts@sccourts.org). If WebEx or DCRP were used to capture the record, please indicate below and send the form to [transcripts@sccourts.org](mailto:transcripts@sccourts.org).

Requestor's Information			
<b>Full Name</b> Ellis R. Lesemann, Esq.	<b>Law Firm/Agency</b> Lesemann & Associates LLC	<b>Phone Number</b> 843-724-5155	
<b>Email Address</b> <a href="mailto:eri@lalawsc.com">eri@lalawsc.com</a> and <a href="mailto:nmt@lalawsc.com">nmt@lalawsc.com</a>		<b>Mailing Address</b> 418 King Street, Suite 301, Charleston, SC 29403	
Is the requestor a party in the case? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, does the requestor represent a party? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, name of party Sage Mill Residential, Ltd.			
Transcript Information			
<b>Docket Number</b> 2025-CP-02-02223	<b>Full Case Caption</b> (i.e. State v. John Doe or John Smith v. Jane Smith) Sage Mill Residential, Ltd. v. Aiken County, South Carolina and Aiken County Planning Commission		<b>Circuit</b> <input checked="" type="checkbox"/> <b>Family</b> <input type="checkbox"/>
<b>Date(s) of Proceeding</b> October 7, 2025	<b>County</b> Aiken	<b>Appeal pending</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Death Penalty</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Presiding Judge</b> Walton J. McLeod, IV		<b>Special Circumstances</b> Is the hearing to be transcribed one of the following: <input type="checkbox"/> Termination of parental rights <input type="checkbox"/> Adoption <input type="checkbox"/> Any actions involving child custody/visitation.	
<b>Opposing Counsel(s)</b> (name and email address) Andrew F. Lindemann (Andrew@ldlawsc.com)		<b>Delivery Timeframe</b> (check Rule 607 for current page rates) <input type="checkbox"/> Quote <input type="checkbox"/> Rough Draft <input type="checkbox"/> Overnight delivery <input type="checkbox"/> Daily delivery <input type="checkbox"/> Expedited delivery (7 days) <b>Due on/before:</b> <input checked="" type="checkbox"/> Regular delivery (60 days)	
<b>Court Reporter(s)</b> Joseph Hoskins, DCRP	<input type="checkbox"/> WebEx <input checked="" type="checkbox"/> DCRP	<b>Delivery Method</b> (additional fees may apply) <input checked="" type="checkbox"/> PDF / Email <input type="checkbox"/> Hard Copy/Priority Mail (\$50 + shipping) <input type="checkbox"/> PDF & Hard Copy/Priority Mail (\$50 + shipping)	
<b>Portion of proceeding to be transcribed</b> <input checked="" type="checkbox"/> Entire hearing <input type="checkbox"/> Voir dire by juror <input type="checkbox"/> Jury selection <input type="checkbox"/> Plaintiff's opening statement <input type="checkbox"/> Defendant's opening statement <input type="checkbox"/> Plaintiff's closing arguments <input type="checkbox"/> Defendant's closing arguments <input type="checkbox"/> Entire direct examination <input type="checkbox"/> Entire cross examination <input type="checkbox"/> Entire redirect <input type="checkbox"/> Examination of witness (W) by attorney (A) W: _____ A: _____ <input type="checkbox"/> Ruling of the court		<b>Responsible Payor</b> <input checked="" type="checkbox"/> Private / Self <input type="checkbox"/> Court Appointed Counsel Appeals Attorney _____ Email _____ <input type="checkbox"/> Other _____	
<b>Next Hearing Date n/a</b>			

**Requestor's Signature:** /s Ellis R. Lesemann \_\_\_\_\_ **Date:** January 20, 2026 \_\_\_\_\_  
(Typed name will serve as signature)

**NOTE:** Requests will be processed pursuant to Rule 207 and 607 of the SCACR. Rule 607(h) governs the fees for transcripts, which are not provided for free or at reduced rates to **any** party, regardless of indigent status. Please promptly submit your payment in the method of payment requested, in order for the transcript to be produced. In some cases, a deposit may be required before the transcript can be placed in the production queue. You may also request a quote before deciding to order. **If you need to cancel the transcript request for any reason, you are responsible for paying for the pages of the transcript that have already been completed at the time of the cancellation.**

If you are ordering a transcript pursuant to Rule 207(a)(1), SCACR, you must contemporaneously furnish all SCCA 800 (03.2023)



**SOUTH CAROLINA  
JUDICIAL BRANCH**

parties, the Office of Court Administration, and the clerk of the appellate court with copies of all correspondence with the court reporter or transcriptionist.

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

**RECEIVED**  
**Mar 03 2026**  
**SC Court of Appeals**

APPEAL FROM AIKEN COUNTY  
Court of Common Pleas for the Second Judicial Circuit

The Honorable Walton J. McLeod, Circuit Court Judge

---

Appellate Case No.: 2026-000123  
Trial Court Case No.: 2025-CP-02-02223

---

Sage Mill Residential, Ltd,

Appellant,

v.

Aiken County, South Carolina and Aiken County Planning  
Commission,

Respondents.

---

**PROOF OF SERVICE**

---

I certify that I have served the Motion for Clarification on Respondents Aiken County, South Carolina and Aiken County Planning Commission by serving a copy on Respondents' counsel by electronic mail using the primary e-mail addresses listed in the Attorney Information System (AIS) in accordance with the Supreme Court's April 24, 2024 Amended Order as follows:

Andrew F. Lindemann (S.C. Bar No. 13030)  
[andrew@ldlawc.com](mailto:andrew@ldlawc.com)  
LINDEMANN LAW FIRM, PA  
5 Calendar Court, Suite 202  
Post office Box 6923  
Columbia South Carolina 29260  
(803) 881-8920

*Attorneys for Respondents Aiken County and Aiken County Planning Commission*

[Signature only on following page]

Respectfully submitted,

By: *s/Robert T. Bonds*

Ellis R. Lesemann, Esq. (S.C. Bar No. 15315)

[erl@lalawsc.com](mailto:erl@lalawsc.com)

Michelle A. Stewart, Esq. (S.C. Bar No. 100685)

[mas@lalawsc.com](mailto:mas@lalawsc.com)

Robert T. Bonds, Esq. (S.C. Bar No. 106271)

[rtb@lalawsc.com](mailto:rtb@lalawsc.com)

LESEMANN & ASSOCIATES LLC

418 King Street, Suite 301

Charleston, SC 29403

Phone: (843) 724-5155

*Attorneys for Appellant*

March 3, 2026

Charleston, South Carolina

# LESEMANN & ASSOCIATES LLC

CIVIL LITIGATION | BUSINESS DISPUTES

ELLIS R. LESEMANN  
EMAIL: [erl@lalawsc.com](mailto:erl@lalawsc.com)

418 KING STREET, SUITE 301  
CHARLESTON, SOUTH CAROLINA 29403

TELEPHONE (843) 724-5155

DIRECT: (843) 724-5156  
WEBSITE: [www.lalawsc.com](http://www.lalawsc.com)

**RECEIVED**

**Mar 03 2026**

**SC Court of Appeals**

March 3, 2026

**VIA FEDERAL EXPRESS**

The Honorable Jenny Abbott Kitchings  
Clerk of Court for SC Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

*Re: Sage Mill Residential, Ltd. v. Aiken County, South Carolina and Aiken County  
Planning Commission  
Appellate Case No.: 2026-000123*

Dear Ms. Kitchings:

Enclosed please find this firm's check payable to the SC Court of Appeals in the amount of Fifty and No/100 Dollars (\$50.00) representing the applicable filing fee for Appellant Sage Mill Residential, Ltd.'s Motion for Clarification of Deadline or in the Alternative Motion for Extension of Time to File Initial Brief and Designation of Matter filed with this Court on March 3, 2025, in connection with the above-referenced matter.

Should you have any questions, please do not hesitate to contact me.

With best regards,



Robert T. Bonds

RTB/nmt

Enclosure

cc: Andrew Lindemann, Esq. (*Via email only*)