

IN THE STATE OF SOUTH CAROLINA

In the Appellate Court

APPEAL FROM HORRY COUNTY COURT OF COMMON PLEAS

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2024-CP-26-00018
(Appellate Case No. 2025-001891)

Willis Jowan Mitchell Appellant,

v.

Pine Cove MHP, LLC..... Respondent.

**APPELLANT'S MOTION FOR PERMISSION TO SERVE
AND FILE INITIAL BRIEF AND DESIGNATION OF
MATTER OUT OF TIME**

Submitted by:

/s/ Willia Jowan Mitchell

Willis Jowan Mitchell
4912 Bishop Pine Drive
Conway, SC 29526

Appellant Pro Se

Date: **03/11/26**

**MOTION FOR PERMISSION TO SERVE AND FILE INITIAL BRIEF
AND DESIGNATION OF MATTER OUT OF TIME**

COMES NOW the Appellant, **Willis Jowan Mitchell**, appearing **pro se**, and respectfully moves this Honorable Court for permission to serve and file the Appellant's Initial Brief and Designation of Matter out of time pursuant to **Rule 240, South Carolina Appellate Court Rules**, in connection with the briefing and record requirements of **Rule 208 SCACR** and **Rule 209 SCACR**, and in support thereof states as follows:

I. BACKGROUND

1. This appeal arises from a final order entered by the Circuit Court for Horry County, South Carolina, presided over by the Honorable **Benjamin H. Culbertson**.
2. Appellant timely filed a Notice of Appeal seeking review of the default judgment entered in favor of Respondent Pine Cove MHP, LLC.
3. The Clerk of the **South Carolina Court of Appeals** subsequently notified Appellant that the time for filing the Appellant's Initial Brief and Designation of Matter had expired.

II. REASON FOR LATE FILING

4. The delay in filing was not intentional and was caused by circumstances outside the control of the Appellant.
5. The underlying appeal concerns the entry of default judgment where the Appellant did not receive notice of the hearing that resulted in the judgment.
6. The United States Postal Service retained mail addressed to the Defendant due to deficiencies in the Defendant's mail receptacles, which prevented delivery of the notice of hearing.
7. A representative of the United States Postal Service, **Staci Gunnell**, informed the Appellant that mail delivery had been suspended due to these deficiencies.
8. Because the notice was not delivered, Appellant was unaware of the scheduled hearing and did not appear before the Circuit Court.
9. Appellant has now prepared the Appellant's Initial Brief and Designation of Matter and seeks permission from this Court to serve and file those documents out of time.

III. NO PREJUDICE TO RESPONDENT

10. Granting this motion will not prejudice the Respondent.

11. The Respondent will receive copies of the Appellant's Initial Brief and Designation of Matter and will have the opportunity to respond in accordance with the South Carolina Appellate Court Rules.

IV. INTERESTS OF JUSTICE

12. South Carolina courts favor resolving disputes on their merits rather than through procedural defaults.
13. Allowing the Appellant's filings to be accepted out of time will promote fairness and ensure that the issues presented on appeal are fully considered by the Court.

PRAYER FOR RELIEF

WHEREFORE, Appellant respectfully requests that this Court:

1. Grant Appellant permission to serve and file the Appellant's Initial Brief out of time;
2. Grant Appellant permission to serve and file the Designation of Matter out of time pursuant to **Rule 208**, **Rule 209**, and **Rule 240** of the South Carolina Appellate Court Rules;
3. Accept the accompanying filings as properly submitted; and
4. Grant such other and further relief as the Court deems just and proper.

Executed on this 11 day of March, 2026.

Respectfully submitted,

/s/ Willis Jowan Mitchell

Willis Jowan Mitchell
4912 Bishop Pine Drive
Conway, South Carolina 29526

Appellant Pro Se

RECEIVED

Mar 12 2026

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA

In the Appellate Court

APPEAL FROM Horry County Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2024-CP-26-00018

(Appellate Case No. 2025-001891)

Willis Jowan Mitchell Appellant,

v.

Pine Cove MHP, LLC..... Respondent.

COMBINED PROOF OF SERVICE

I certify that on this **11** day of **March**, 2026, a true and correct copy of the **Motion for Permission to Serve and File Out of Time, the Appellant’s Designation of Matter** and the **Appellant’s Initial Brief** was served upon counsel for Respondent by depositing the document in the United States Mail by Certified Mailing.

The documents served are as follows:

- 1. Motion for Permission to Serve and File Out of Time pursuant to Rule 240 SCACR**
- 2. Appellant’s Initial Brief pursuant to Rule 208 SCACR**
- 3. Appellant’s Designation of Matter pursuant to Rule 209 SCACR**

Served upon:

John C. Zilinsky, Esquire
Rivertown Law Group
908 4th Avenue
Conway, SC 19526-5145
Attorney for Respondent Pine Cove MHP, LLC

{}{}{}{}(SIGNATURE PAGE BELOW){}{}{}{}

I declare under penalty of perjury for the State of South Carolina that the foregoing is true and correct to the very best of my knowledge, information and belief,

Executed on this 11 day of March, 2026.

/s/ Willis Jowan Mitchell

Willis Jowan Mitchell

4912 Bishop Pine Drive

Conway, South Carolina 29526

Appellant Pro Se

RECEIVED

Mar 12 2026

SC Court of Appeals

TRANSMITTAL LETTER TO THE CLERK

Willis Jowan Mitchell
4912 Bishop Pine Drive
Conway, South Carolina 29526

Date: March 11, 2026

Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: **Willis Jowan Mitchell v. Pine Cove MHP, LLC**

Appellate Case No. 2025-001891

Dear Clerk:

Please accept the enclosed filings submitted on behalf of Appellant Willis Jowan Mitchell in the above-referenced appeal.

These documents are submitted in response to the Clerk's correspondence advising that the deadline for filing the Appellant's Initial Brief and Designation of Matter had expired.

The following documents are enclosed for filing:

1. **Motion for Permission to Serve and File Appellant's Initial Brief and Designation of Matter Out of Time** (pursuant to Rule 240, SCACR);
2. **Appellant's Initial Brief** (pursuant to Rule 208, SCACR);
3. **Appellant's Designation of Matter** (pursuant to Rule 209, SCACR);
4. **Combined Proof of Service** reflecting service upon counsel for Respondent.

Copies of these filings have been served upon counsel for Respondent in accordance with the **South Carolina Appellate Court Rules**.

Thank you for your attention to this matter.

Respectfully submitted,

Willis Jowan Mitchell
Appellant Pro Se

Signature: /s/ **Jowan Willis Mitchell**