

RECEIVED

Jun 01 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable B. Alex Hyman, Circuit Court Judge

Appellate Case No. 2026-000122

Michael Smith; Cynthia Vanaman-Setzer; and Clarence E. Frazer..... *Appellants,*

v.

The City of Myrtle Beach, South Carolina; and GD CP Properties, LLC..... *Respondents.*

**CONSENT MOTION FOR EXTENSION TO FILE INITIAL BRIEF AND
DESIGNATION OF MATTER OF RESPONDENT THE CITY OF MYRTLE BEACH,
SOUTH CAROLINA**

Respondent, The City of Myrtle Beach, South Carolina, hereby requests a thirty (30) day extension of time to file its' Initial Brief and Designation of Matter, with the consent of the parties. This request is made in light of heavy work-related time commitments and is consistent with the interests of justice and not unduly prejudicial to the Appellants.

The Respondent's Initial Brief and Designation of Matter of Respondent is currently due June 4, 2026 and, if this request is granted, the Brief and Designation of Matter of Respondent will be due on July 6, 2026. Respondent affirms that this Consent Motion for Extension is not intended for purposes of delay.

Respectfully submitted,

I CONSENT:

LAW OFFICES OF JOHN M. LEITER,
P.A.
405 – 79TH Ave., North, Suite B
Myrtle Beach, SC 29572
(843)449-1451
*Attorneys for Appellants Michael Smith,
Cynthia Vanaman-Seitzer, and Clarence F.
Frazer*

/s/ John M. Leiter
John M. Leiter, Esq. SC Bar No. 3187

I CONSENT:

MAYNARD NEXSEN, PC
205 King Street, Suite 400
Charleston, SC 29401
(843) 720-1762
*Attorneys for Respondent GD CP Properties,
LLC*

/s/ Cheryl D. Shoun
Cheryl D. Shoun, Esq. SC Bar No. 5092
Max J. Mazurek, Esq. SC Bar No. 104827

Dated June 1, 2026

I CONSENT:

BELLAMY, RUTENBERG, COPELAND,
EPPS, GRAVELY & BOWERS, P.A.
P.O. Box 357
Myrtle Beach, SC 29578
(843)448-2400
*Attorneys for Respondent
The City of Myrtle Beach, South Carolina*

/s/ Douglas M. Zayicek
Douglas M. Zayicek, Esq. SC Bar No. 11304

RECEIVED

Jun 01 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable B. Alex Hyman, Circuit Court Judge

Appellate Case No. 2026-000122

Michael Smith; Cynthia Vanaman-Setzer; and Clarence E. Frazer..... *Appellants,*

v.

The City of Myrtle Beach, South Carolina; and GD CP Properties, LLC..... *Respondents.*

PROOF OF SERVICE

I certify that I have served the Consent Motion for Extension to File Initial Brief and Designation of Matter of Respondent The City of Myrtle Beach, South Carolina on The Honorable Jenny Abbott Kitchings of the South Carolina Court of Appeals by depositing a copy of it in the United States Mail, postage prepaid, on June 1, 2026, addressed to the Clerk of Court at Post Office Box 11629, Columbia, South Carolina 29221.

BELLAMY, RUTENBERG, COPELAND,
EPPS, GRAVELY & BOWERS, P.A.
P.O. Box 357
Myrtle Beach, SC 29578
(843)448-2400
*Attorneys for Respondent The City of Myrtle Beach,
South Carolina*



Douglas M. Zayicek, Esq. SC Bar No. 11304

M. EDWIN HINDS, JR.
DAVID B. MILLER⁺
C. WINFIELD JOHNSON, III
DOUGLAS M. ZAYICEK
MARTIN C. DAWSEY*
ROBERT S. SHELTON⁺
HOWELL V. BELLAMY, III
GEORGE W. REDMAN, III^{+ ** ++}
BENJAMIN A. BARODY^{+ ** ++}
PHILLIP H. ALBERGOTTI* **
HAYES K. STANTON^{+ **}
KARA J. KEITH **
LAUREN B. BENTON

* LLM TAXATION
** LICENSED IN SC & NC
+ CERTIFIED MEDIATOR
++ CERTIFIED ARBITRATOR



THE BELLAMY
LAW FIRM

OFFICES IN MYRTLE BEACH & PAWLEYS ISLAND

WWW.BELLAMLAW.COM

HOLLY M. LUSK
JON CRAIG HOWELL, JR.
ZACHARY J. CROWL**
BRICE A. BERTSCHIN
ALLIE BARTH TILLER
W. PIERCE HAAR
MACKENZIE PEARSON ADAMS

RETIRED:
HOWELL V. BELLAMY, JR.
JOHN K. RUTENBERG (1939-2012)
JOHN E. COPELAND
CLAUDE M. EPPS, JR.
DAVID R. GRAVELY
EDWARD B. BOWERS, JR.*
BRADLEY D. KING
JILL F. GRIFFITH

POST OFFICE BOX 357 (29578) • 1000 29TH AVENUE NORTH • MYRTLE BEACH, SC 29577
TELEPHONE (843) 448-2400 • FACSIMILE (843) 448-3022
Writer's Email: DZayicek@bellamylaw.com

June 1, 2026

VIA EMAIL – ctappfilings@sccourts.org
AND FIRST CLASS REGULAR MAIL

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29221

RECEIVED
Jun 01 2026
SC Court of Appeals

Re: Michael Smith; Cynthia Vanaman-Setizer; and Clarence E. Frazer; *Appellants* v.
The City of Myrtle Beach, South Carolina; and GD CP Properties, LLC,
Respondents
APPELLATE CASE NO.: 2026-000122

Dear Ms. Kitchings:

I represent Respondent The City of Myrtle Beach, South Carolina (“Respondent”). Respondent’s Initial Brief and Designation of Matter is currently due on or before June 4, 2026. Respondent respectfully requests the deadline for submitting its Initial Brief and Designation of Matter to Appellant’s Initial Brief be extended (30) days until Monday, July 6, 2026, based on the attached Consent Motion for Extension to File Initial Brief and Designation of Matter of Respondent The City of Myrtle Beach, South Carolina. This is Respondent’s second extension request for this Initial Brief and Designation of Matter, but it is consented to by all parties.

June 1, 2026

Page 2

I understand a \$50.00 filing fee is required with this request, therefore, and am forwarding a check under separate cover via U.S. Mail.

Thank you for your kind consideration.

With kindest regards, I am

Yours very truly,

BELLAMY, RUTENBERG, COPELAND
EPPS, GRAVELY & BOWERS, P.A.

A handwritten signature in blue ink, appearing to be 'DZ', is written over the printed name of Douglas M. Zayicek.

Douglas M. Zayicek

DMZ:tr

Cc: John Leiter, Esq.
Cheryl Shoun, Esq.
Max Mazurek, Esq.