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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas
Marvin H. Dukes III, Circuit Court Judge

Appellant Case No. 2026-000707
Case No. 2020-CP-07-00989

Turner's Marina, LLC	Respondent/Appellant,
	v.
R.V. Resort and Yacht Club Owners' Association, Inc.,,	Appellant/Respondent.

MOTION OF TURNER'S MARINA, LLC FOR PERMISSION TO SERVE AND FILE ITS INITIAL APPELLANT'S BRIEF AND DESIGNATION OF MATTER OUTSIDE THE DEADLINES SET BY RULES 208 AND 209, SCACR

Respondent/Appellant Turner's Marina, LLC respectfully moves this Court, pursuant to Rules 240 and 263(b), SCACR, and in response to the letter of the Clerk of this Court dated September 9, 2026, for an Order permitting it to serve and file its Initial Appellant's Brief and its Designation of Matter to be Included in the Record on Appeal outside the deadlines set by Rules 208 and 209, SCACR, and deeming those documents timely served and filed. The Brief, the Designation of Matter, and this Motion are served and filed together and within the ten (10) days allowed by the Clerk's letter. In support of this Motion, Turner's Marina states as follows.

1. This appeal arises from the Final Order of the Honorable Marvin H. Dukes III entered October 17, 2025, and the Form 4 Order denying both parties' motions to alter or amend, dated and received February 12, 2026.

2. R.V. Resort and Yacht Club Owners' Association, Inc. served its Notice of Appeal on March 16, 2026. Turner's Marina served its Notice of Appeal for a Cross-Appeal on March 17, 2026. Turner's Marina is the Respondent as to the Association's appeal and the Appellant as to its own cross-appeal, and its brief is accordingly an initial appellant's brief governed by Rule 208(a)(1), SCACR.

3. Turner's Marina received the transcript on June 15, 2026, and its Initial Appellant's Brief was therefore due within thirty (30) days thereafter, on or before July 15, 2026.

4. Under Rule 209(a), SCACR, Turner's Marina's Designation of Matter to be Included in the Record on Appeal was required to be served at the same time as its Initial Appellant's Brief, and was therefore due on the same date.

5. The failure was the result of a calendaring error in the office of undersigned counsel. The deadline prescribed by Rules 208(a)(1) and 209(a), SCACR, was not entered on the firm's docketing calendar, and the omission was not discovered until the Clerk's letter of September 9, 2026 was received. The error was counsel's alone.

6. By letter dated September 9, 2026, the Clerk of this Court advised counsel that the time for serving and filing Turner's Marina's initial appellant's brief and designation of matter had expired, and directed that within ten (10) days of the date of that letter Turner's Marina serve and file those documents together with a motion requesting permission to do so

outside the deadlines set by Rules 208 and 209, SCACR, failing which the cross-appeal will be dismissed.

7. Turner's Marina has complied with the Clerk's directive. Its Initial Appellant's Brief and its Designation of Matter to be Included in the Record on Appeal are complete and are served and filed contemporaneously with this Motion, within the ten (10) days allowed. Turner's Marina seeks no additional time in which to prepare them and seeks no continuance of any other deadline in this appeal.

8. The Association has not been prejudiced by the delay. The Record on Appeal has not been filed, and the Association's time to serve a reply brief on the cross-appeal has not begun to run and will run from service of the Brief tendered herewith.

Respectfully submitted,

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Dated: September 21, 2026