

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CLARENDON COUNTY
Court of Common Pleas
The Honorable Clifton B. Newman
Circuit Court Judge

Appellate Case No. 2025-002352

Samuel Tucker Collins, Jr.,

Appellant,

v.

West Palmetto Holdings, LLC,

Respondent,

MOTION FOR LEAVE TO SERVE AND FILE RESPONDENT'S BRIEF OUT OF TIME

Respondent, West Palmetto Holdings, LLC, pursuant to Rules 208, 209, and 240, SCACR, respectfully moves this Court for leave to serve and file its Respondent's Brief out of time and would show the Court as follows:

1. This appeal arises from the Circuit Court's order affirming a magistrate court ejectment judgment in favor of Respondent.
2. Pursuant to Rule 208(a)(2), SCACR, a respondent is required to serve and file an initial brief within thirty (30) days after service of the appellant's brief.
3. Due to the large amount of filings in this action and the deficiency letters associated with the Appellant's Initial Brief the undersigned did not realize Respondent's brief was due and thus was unable to file its brief within the time prescribed by Rule 208 due to

RECEIVED
Sep 25 2026
SC Court of Appeals

inadvertence and excusable neglect. The delay was not intentional and was not undertaken for purposes of delay.

4. Respondent has acted promptly upon discovering that the briefing deadline had elapsed and has prepared its Respondent's Brief for filing contemporaneously with this Motion.
5. Rule 209, SCACR, permits this Court, for good cause shown, to enlarge the time prescribed by the appellate rules.
6. Rule 240, SCACR, provides the Court authority to grant such relief as may be appropriate in the interests of justice and to suspend the requirements of the appellate rules where warranted.
7. No prejudice will result to Appellant if Respondent is permitted to file its brief out of time. Appellant will retain the opportunity to file any reply brief authorized by Rule 208(a)(3), SCACR.
8. The issues presented in this appeal concern the propriety of the Circuit Court's affirmance of the magistrate court's judgment. The interests of justice are best served by permitting full briefing on the merits and allowing this Court to consider the parties' respective positions before adjudicating the appeal.
9. Respondent respectfully submits that good cause exists for the requested enlargement of time and that the requested relief is consistent with Rules 208, 209, and 240, SCACR.

WHEREFORE, Respondent respectfully requests that this Court enter an order:

- (a) Granting Respondent leave to serve and file its Respondent's Brief out of time;
- (b) Directing the Clerk of Court to accept Respondent's Brief as timely filed; and
- (c) Granting such other and further relief as this Court deems just and proper.

RESPECTFULLY SUBMITTED,

Dated: September 25, 2026

/s/J. Martin Page

J. Martin Page S.C. Bar No.: 100200

BELL CARRINGTON, PRICE & GREGG, LLC

339 Heyward Street, 2nd Floor

Columbia, SC 29201

803.509.5078

Attorneys for West Palmetto Holdings, LLC

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

Sep 25 2026

SC Court of Appeals

APPEAL FROM CLARENDON COUNTY
Court of Common Pleas
The Honorable Clifton B. Newman
Circuit Court Judge

Appellate Case No. 2025-002352

Samuel Tucker Collins, Jr.,

Appellant,

v.

West Palmetto Holdings, LLC,

Respondent,

CERTIFICATE OF SERVICE

I certify that I have served a copy of the Respondent's Motion to MOTION FOR LEAVE TO SERVE AND FILE RESPONDENT'S BRIEF OUT OF TIME, RESPONDENT'S BRIEF, AND RESPONDENT'S DESIGNATION OF MATTER by depositing a copy of it in the United States Mail, postage prepaid, and via electronic mail on September 25, 2026, addressed to the following:

Samuel Tucker Collins, Jr.
PO Box 161
Alcolu, South Carolina 29001

RESPECTFULLY SUBMITTED,

Dated: September 25, 2026

/s/J. Martin Page

J. Martin Page S.C. Bar No.: 100200
BELL CARRINGTON, PRICE & GREGG, LLC
339 Heyward Street, 2nd Floor
Columbia, SC 29201
803.509.5078

Attorneys for West Palmetto Holdings, LLC