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Oct 07 2026

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Charleston County
Court of Common Pleas

Jennifer B. McCoy, Circuit Court Judge

Case No. 2015-CP-10-00955
Appellate Case No. 2026-000077

Palmetto Pointe at Peas Island Condominium Property Owners Association, Inc.
and Elizabeth A. Bushey, individually, and on behalf of all others similarly situated,

Appellants,

v.

Island Pointe, LLC; Complete Building Corporation; Tri-County Roofing, Inc.; Creekside, Inc.; American Residential Services, LLC d/b/a ARS/Rescue Rooter Charleston; Andersen Windows, Inc.; Atlantic Building Construction Services, Inc. n/k/a Atlantic Construction Services, Inc.; Builder Services Group, Inc. d/b/a Gale Contractor Services; Novus Architects, Inc. f/k/a SGM Architects, Inc.; Tallent and Sons, Inc.; WC Services, Inc., CRG Engineering, Inc.; CertainTeed Corporation; Kelly Flooring Products, Inc. d/b/a Carpet Baggers; Cornerstone Construction and Mark Malloy d/b/a Cornerstone Construction; Miracle Siding, LLC and Wilson Lucas Sales d/b/a Miracle LLC; Mark Palpoint a/ka Micah Palpoint; Elroy Alonzo Vasquez; Chris a/k/a John Doe 61; Alderman Construction; Stanley's Vinyl Fence Designs; Cohen's Drywall Company, Inc; Mosley Concrete; Hand A Framing Construction, LLC a/k/a H&A Framing Construction, LLC and d/b/a H and A Framing, LLC, H&A Construction, and Hand A Construction; JMC Construction, Inc.; JMC Construction, LLC; John Doe 1-15,

Defendants,

Of which Tri-County Roofing, Inc., is the

Respondent.

**APPELLANTS' MOTION FOR LEAVE TO
FILE/SERVE RECORD ON APPEAL OUT OF TIME**

**Counsel identified on the following page*

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-and-

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Attorneys for Appellants

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS

NOW COME Appellants, by and through their undersigned counsel, pursuant to Rule 263(b), SCACR, and hereby move for leave to file/serve the Record on Appeal, which is conditionally filed/served contemporaneously herewith, out of time.

Through inadvertence, the undersigned counsel for Appellants did not properly calendar the deadline for an Initial Reply Brief on August 31, 2026, and, in turn, did not properly calendar the deadline for the Record on Appeal on September 21, 2026. The instant motion and the accompanying Record on Appeal are hereby being conditionally filed and served, and the undersigned respectfully submits that there is good cause to grant the relief requested herein, as it is timely sought, in the interests of justice, and will not unduly prejudice any other party to this appeal.

Wherefore, Appellants ask this Honorable Court to grant them leave to file and serve the Record on Appeal out of time and to accept the Record on Appeal, conditionally filed and served contemporaneously herewith, as duly filed and served.

[Signed on next page]

Respectfully submitted,

s/Russell G. Hines

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Charleston, South Carolina

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PROOF OF SERVICE

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Attorneys for Appellants

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellants, hereby certify that, on October 7, 2026, **APPELLANTS' MOTION FOR LEAVE TO FILE/SERVE RECORD ON APPEAL OUT OF TIME** was served on Respondent by emailing (see attached email) a copy of the same to its counsel of record:

Christian Stegmaier, Esquire
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Attorneys for Respondent

Respectfully submitted,

s/Russell G. Hines

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Charleston, South Carolina

October 7, 2026

Justman, Aimee

From: Justman, Aimee
Sent: Wednesday, October 7, 2026 12:53 PM
To: 'cstegmaier@collinsandlacy.com'; 'egessner@collinsandlacy.com';
'mmcgee@collinsandlacy.com'; 'rforney@collinsandlacy.com';
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'amccann@lucey-law.com'; 'stownes@lucey-law.com'; 'lweiland@lucey-law.com';
'rzelonka@wshblaw.com'
Cc: Hines, Russell; Buckley, Edward D. (Ed); DeMato, Amanda
Subject: Appeal 2026-000077 – Palmetto Pointe v. Tri-County Roofing – CR150066 – Motion for
Leave & ROA
Attachments: Palmetto Pointe ROA.pdf; Palmetto Pointe Motion.pdf

Attached for service on you in the above-referenced matter, please find the **Record on Appeal** and **Appellants' Motion for Leave to File/Serve Record on Appeal Out of Time**.

Thank you,

Aimee Justman
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