

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Maite Murphy, Master-in-Equity
Special Circuit Judge

Case No.: 2011-CP-18-0596

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FEB 10 2014

SC Court of Appeals

Heritage Square Shopping Center, LLC,Appellant,

v.

Town of Summerville South Carolina, Respondents.

71230

APPELLANT'S PETITION TO REINSTATE

Pursuant to Rule 260(a), SCACR, and Rule 263(b), SCACR, Appellant Heritage Square Shopping Center, LLC, ("Appellant" or "Heritage Square") hereby petitions this Court to reinstate this appeal and to extend the deadline in which Appellant may serve and file its initial brief and designation of matter.

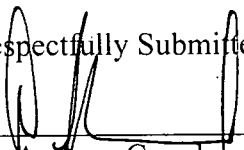
In this appeal, Heritage Square challenges the circuit court's orders affirming a decision by Respondent Town of Summerville Construction and Codes Board of Appeals (the "Board") to condemn certain improvements to real property formerly owned by Heritage Square. Pursuant to a previous order of this Court, Appellant's initial brief and designation of matter were due on November 8, 2013.

Around this time, negotiations involving the parties to this appeal and a third party prospective purchaser of the subject property placed the parties in the position that there was a significant likelihood that this appeal would be rendered moot within the following few months.

Consequently, on December 11, 2013, Appellant, with the consent of the above-named respondents, served and filed a motion to hold this appeal in abeyance. While the time to serve and file the initial brief and designation of matter had expired in the meantime, Appellant's counsel believed that filing a motion to hold the appeal in abeyance would be preferable to asking for a new extension of time for the applicable deadline. Instead of granting or denying the motion, the Court dismissed the appeal for Appellant's failure to serve and file an initial brief and designation of matter on or before November 8, 2013.

Based on the foregoing, Appellant respectfully requests that this Court reinstate the appeal and permit Appellant to serve and file an initial brief and designation of matter within thirty (30) days of the date of the order of reinstatement, if granted. At present, the parties are still working towards a resolution of this matter, and Appellant believes the reinstatement of this appeal and extension would permit the parties to resolve the matter without further litigation and without prejudice to the rights of either party.

Respectfully Submitted,



W. Andrew Gowder, Jr. (S.C. Bar No. 07895)
G. Trenholm Walker (S.C. Bar No. 05777)
Daniel S. McQueeney, Jr. (S.C. Bar No. 06802)
PRATT-THOMAS WALKER, P.A.
P.O. Drawer 22247
Charleston, SC 29403-2247
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E-mail: wag@p-tw.com
Attorneys for Appellant Heritage Square Shopping
Center, LLC

February 7, 2014
Charleston, South Carolina

STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM DORCHESTER COUNTY

FEB 10 2014

Maite Murphy, Master-in-Equity
Special Circuit Judge

SC Court of Appeals

Case No.: 2011-CP-18-596

Heritage Square Shopping Center, LLC,Appellant,


v.

Town of Summerville Construction and Codes Board of Appeals and
Richard Palmer, in his capacity as the Building Official of the
Town of Summerville South Carolina, Respondents.

PROOF OF SERVICE

I, Amanda Smith, an employee of Pratt-Thomas Walker, P.A., hereby certify that I have served the **Appellant's Petition to Reinstate** on the above-named respondents by depositing a copy of it in the United State Mail, postage prepaid, on February 7, 2014, addressed to their attorney of record, G. Waring Parker, 907B N. Main Street, Summerville, South Carolina 29483-6632.

February 7, 2014


Amanda Smith

PROFESSIONAL ASSOCIATION

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OF COUNSEL
THOMAS P. GRESSETTE, JR. (SC, USVI)

February 7, 2014

U.S. MAIL [X] FACSIMILE [] FEDERAL EXPRESS []

The Honorable Jenny Abbott Kitchings
Clerk of Court
Court of Appeals of South Carolina
P. O. Box 11629
Columbia, SC 29211

Re: Heritage Square Shopping Center, LLC v Town of Summerville Construction and Codes Board of Appeals, et al., C/A No. 2011-CP-18-00596
Appellate Case Tracking No. **2013-000952**
Our File No.: 7521.001

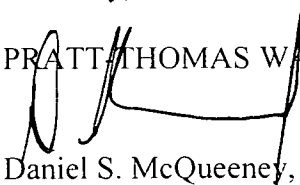
Dear Ms. Kitchings:

Please be advised that this firm represents Appellant Heritage Square Shopping Center, LLC ("Appellant") in the above-captioned appeal. Enclosed, please find the original and seven (7) copies of Appellant's Petition to Reinstate, along with the proof of service and \$25.00 filing fee. I would appreciate it if you would return a file-stamped copy of the petition in the enclosed, self-addressed stamped envelope.

Your courtesies and consideration of this matter are greatly appreciated.

With kind regards, I am,

Sincerely,


PRATT-THOMAS WALKER, P.A.
Daniel S. McQueeney, Jr.

DSM\abs
Enclosures (As noted)

c: G. Waring Parker
907B N. Main Street
Summerville, SC 29483-6632

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