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DEC 23 2013  
**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas  
John M. Milling, Special Referee

Case No. 2009-CP-26-11862

Harleysville Group Insurance, a Pennsylvania corporation,.... Appellant/Respondent,

v.

Heritage Communities, Inc., a South Carolina corporation;  
Heritage Magnolia North, Inc., a South Carolina  
corporation; Buildstar Corp., a South Carolina corporation;  
Magnolia North Horizontal Property Regime; Magnolia  
North Property Owners Assoc., Inc., a South Carolina  
corporation; and National Surety Corp.,..... Defendants,

Of whom Heritage Communities, Inc., a South Carolina  
corporation; Heritage Magnolia North, Inc., a South  
Carolina corporation; Buildstar Corp., a South Carolina  
corporation; and National Surety Corp. are ..... Respondents,

And Magnolia North Horizontal Property Regime and  
Magnolia North Property Owners Assoc., Inc., a South  
Carolina corporation are ..... Respondents/Appellants.

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**Joint Motion for Extension of Time  
in which to File Reply Briefs**

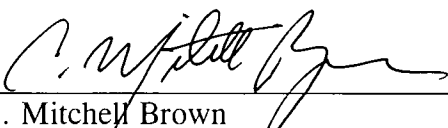
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Appellant/Respondent Harleysville Group Insurance (“Harleysville”) and  
Respondents/Appellants Magnolia North Horizontal Property Regime and Magnolia  
North Property Owners Assoc., Inc. (collectively “the Property Owners”) hereby  
jointly request a 30-day extension to file their initial Reply Briefs. This request is made  
due to other case demands, holiday travel, and to allow for time needed to prepare and  
file the parties initial Reply Briefs. Both parties consent to this 30-day extension (see  
attached) and no prejudice will be caused to either party by extension.

The current due date for the parties' initial Reply Briefs is December 30, 2013. With a 30-day extension, the Reply Briefs would be due on January 29, 2014. The parties further request that the current deadline be held in abeyance until this Court issues an order on this motion.

Respectfully submitted,

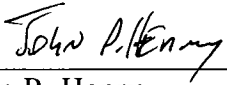
NELSON MULLINS RILEY & SCARBOROUGH LLP

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(843) 248-5741

Attorneys for Respondents/Appellants

December \_\_, 2013  
Columbia, South Carolina

**Lisa Whitehurst**

---

**From:** Mitch Brown  
**Sent:** Friday, December 20, 2013 2:23 PM  
**To:** Lisa Whitehurst  
**Subject:** FW: Reply briefs in Magnolia North and in Riverwalk

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**From:** Pat Henry [mailto:PHenry@thompsonlaw.com]  
**Sent:** Thursday, December 19, 2013 6:48 AM  
**To:** Mitch Brown  
**Subject:** RE: Reply briefs in Magnolia North and in Riverwalk

My thoughts exactly. Why don't u do a joint motion and sign my name. Merry Christmas

Sent from my Verizon Wireless 4G LTE Smartphone

----- Original message -----

**From:** Mitch Brown <mitch.brown@nelsonmullins.com>  
**Date:** 12/19/2013 12:02 AM (GMT-05:00)  
**To:** Pat Henry <PHenry@thompsonlaw.com>  
**Subject:** Reply briefs in Magnolia North and in Riverwalk

Hi Pat:

Would you consent, due to the holidays and other deadlines, to a 30 day extension of time for all parties to file Reply briefs? Thank you for your kind consideration of this request.

Mitch

Confidentiality Notice

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure.

If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately either by phone (800-237-2000) or reply to this e-mail and delete all copies of this message.

To ensure compliance with the requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including the attachments) is not intended or written to be used, for the purpose of (a) avoiding penalties under the Internal Revenue Code or (b) promoting, marketing or recommending to another party any transaction or tax-related matter[s]. To provide you with a communication that could be used to avoid penalties under the Internal Revenue Code will necessarily entail additional investigations, analysis and conclusions on our part.

## Lisa Whitehurst

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**From:** Mitch Brown  
**Sent:** Friday, December 20, 2013 6:04 PM  
**To:** Lisa Whitehurst  
**Subject:** FW: Magnolia North and Riverwalk appeals

Here is the other consent

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**From:** Laura Evans [<mailto:Laura.Evans@smithmoorelaw.com>]  
**Sent:** Friday, December 20, 2013 2:44 PM  
**To:** Mitch Brown  
**Subject:** Re: Magnolia North and Riverwalk appeals.

We consent

On Dec 20, 2013, at 2:15 PM, "Mitch Brown" <[mitch.brown@nelsonmullins.com](mailto:mitch.brown@nelsonmullins.com)> wrote:

Hi Laura:

Pat Henry and I are jointly seeking 30 day extensions to file our respective Reply briefs. Please reply to this email with your client's consent if you would so we can represent to the Court of Appeals that the motion is fully consented to. Thanks. Happy holidays.

Mitch

### Confidentiality Notice

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure.

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To ensure compliance with the requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including the attachments) is not intended or written to be used, for the purpose of (a) avoiding penalties under the Internal Revenue Code or (b) promoting, marketing or recommending to another party any transaction or tax-related matter[s]. To provide you with a communication that could be used to avoid penalties under the Internal Revenue Code will necessarily entail additional investigations, analysis and conclusions on our part.

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IRS CIRCULAR 230 NOTICE: To ensure compliance with the requirements of IRS Circular 230, we inform you that any U.S. tax advice contained in this communication or attachment hereto is not intended or written to be used and cannot be used for the purpose of avoiding penalties under the Internal Revenue Code or for promoting, marketing or recommending to another party any transaction or matter addressed in this communication or attachment.

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM HORRY COUNTY  
Court of Common Pleas  
John M. Milling, Special Referee

SC Court of Appeals

Case No. 2009-CP-26-11862  
Appellate Case No. 2013-001281

Harleysville Group Insurance, a Pennsylvania corporation,..... Appellant/Respondent,

v.

Heritage Communities, Inc., a South Carolina corporation; Heritage Magnolia North, Inc., a South Carolina corporation; Buildstar Corporation, a South Carolina corporation; Magnolia North Horizontal Property Regime; Magnolia North Property Owners Association, Inc., a South Carolina corporation; and National Surety Corp.,..... Defendants.

Of whom Heritage Communities, Inc., a South Carolina corporation; Heritage Magnolia North, Inc., a South Carolina corporation; and National Surety Corp. are ..... Respondents,

And Magnolia North Horizontal Property Regime and Magnolia North Property Owners Assoc., Inc., a South Carolina corporation are ..... Respondents/Appellants.

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellant, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

Joint Motion for Extension of Time in which to File Reply Briefs

Counsel Served:

John P. Henry, Esquire  
Philip C. Thompson, Esquire  
Thompson & Henry  
1300 Second Avenue, 3<sup>rd</sup> Floor  
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Karin McCarthy, Esquire  
Rivkin Radler  
926 RXR Plaza  
Uniondale, NY 11556



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Lisa P. Whitehurst  
Administrative Assistant

12/23, 2013

# Nelson Mullins

## Nelson Mullins Riley & Scarborough LLP

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December 23, 2013

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
SC Court of Appeals  
1015 Sumter Street - 5th Floor  
Columbia, SC 29201

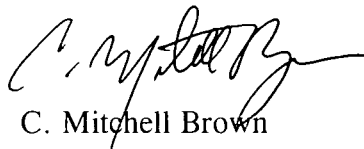
RE: Harleysville Group Insurance v. Heritage Communities, Inc., a South Carolina Corporation; Heritage Magnolia North Inc., a South Carolina Corporation; et al.  
C.A. No.: 2009-CP-26-11862  
Appellate Case No. 2013-001281  
Our File No.: 00470/01580

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of a Joint Motion for Extension of Time in which to File Reply Briefs in the above-captioned matter. We would ask that you file the original and return a clocked-in copy to us via our courier. Also enclosed is our Firm check in the amount of \$25.00 as the required filing fee.

With kind regards, I remain

Sincerely yours,



C. Mitchell Brown

CMB:lpw  
Enclosure

cc: John P. Henry, Esquire  
Laura Johnson Evans, Esquire  
Karin McCarthy, Esquire

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DEC 23 2013  
**SC Court of Appeals**