

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
MAR 14 2014
SC Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

L. Casey Manning, Fifth Circuit Court Judge

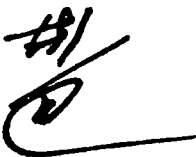
Civil Action No.: 2011-CP-40-6176

Tompkins & McMaster, LLP and John Gregg McMaster, Jr.,..... Respondents

v.

Vista Investments, LLC, Appellant

RESPONDENTS' PETITION TO FILE BRIEF OUT OF TIME

 COME NOW RESPONDENTS, via undersigned counsel, and respectfully petition the Court to be allowed to file Respondents' Final Brief out of time. The Initial Brief was timely filed on January 6, 2014. Accordingly, there will be no substantive changes to any of the legal arguments set out in the Final Brief other than those specifically made in the Initial Brief.

Respondents' attorney has today received a letter from the Court informing him of his failure to timely file the Final Brief. The Record on Appeal was delivered to Respondents' attorney on or about February 3, 2014.

The reason for the delay is that Counsel for the Respondents'', Frank Barnwell McMaster, Esquire was arrested on February 20, 2014, before he had finished the Final Brief of the Respondents.

Since that time, Mr. McMaster was and remains under a Doctor's care.

Further, on the advice of his counsel, he immediately began the process of packing his belongs and engaged those persons necessary in order that he moves out of his home to avoid any problems or conflicts arising by virtue of remaining in his home. Pursuant to SCACR 413, *et seq*, we can not further comment on the nature of those problems and conflicts but we can advise, further, that that he shall never return to his home at great financial loss to him.

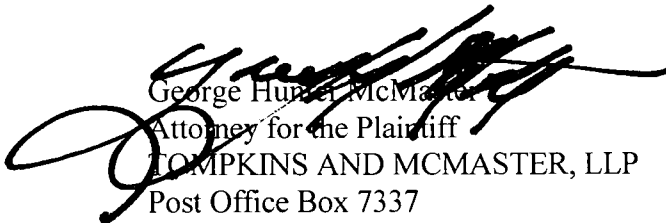
Unknown to the operating partner, the undersigned, a Record on Appeal had been received by Frank Barnwell McMaster, whose main office is in Orangeburg, South Carolina, had not filed the Final Brief of the Respondents'' had not been filed as Frank Barnwell McMaster was arrested on February 20th, four (4) before the Respondents' Brief was due; that the undersigned, as sole Counsel for Mr. McMaster at that time, was immediately engaged in other matters which required his immediate attention and responses on behalf of his younger brother, all the while having to attend to deadlines on other matters previously scheduled. On this date, the undersigned confirmed with the Court the exact dates in which the Final Brief of the Respondents' Final Brief had been due and, although we recite hereinabove that that we received this date a letter form the Court informing my younger brother of his failure to timely file the Final Brief, I have not had the time to even review that correspondence or any other matters received this date.

Finally, I can inform the Court as follows:

1. That this Firm and certainly my father, have a valid defense and prevailed below on Motion for Summery Judgment;
2. That I shall attend to this matter and file the Final Brief of the Respondents'' no later that Tuesday, March 19.
3. Please add my name at attorney for the Respondents'.

Respondents respectfully request to be allowed to file their Final Brief no later than the March 19, 2014.

Respectfully Submitted



George Hunter McMaster
Attorney for the Plaintiff
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Fax: (803) 252-2240
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Columbia, South Carolina
This ~~15~~ day of March, 2014

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v.

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PROOF OF SERVICE

I certify that I have served Respondents' Petition to File Brief Out of Time by depositing one copy of the same in the United States Mail, postage prepared, on March 13, 2014, addressed to counsel of record for Appellant, Duvall Spruill, Esq., Turner Padgett Graham & Laney PA, Post Office Box 1473; Columbia, SC 29202..

March 13, 2014


George H. McMaster
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March 13, 2014

JOHN GREGG McMASTER
GEORGE HUNTER McMASTER **
FRANK BARNWELL McMASTER

FRANK G. TOMPKINS
1874-1956
FRANK G. TOMPKINS, JR.
1908-1973
ELIZABETH ELDRIDGE
1894-1975

** ALSO ADMITTED IN TEXAS

The Hon. Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

RECEIVED
MAR 14 2014
SC Court of Appeals

Re: Vista Investments, LLC, Appellant v. Tompkins & McMaster, LLP and
John Gregg McMaster, Jr., Respondents
Appellate Case No.: 2013-001385

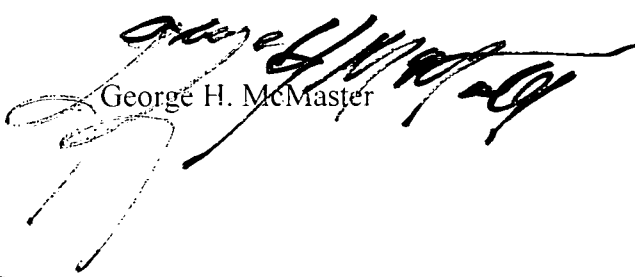
Dear Ms. Kitchings:

Enclosed please find the original and one copy of Respondents' Petition to File Out of Time and Proof of Service regarding the above-referenced matter. Please file the original documents in your usual manner and return the clocked-in copies to this office via our courier.

Should you have any questions, please do not hesitate to contact me.

Thank you for your assistance in this matter.

Yours very truly,


George H. McMaster

GHM/bap
Enclosures

cc: W. Duvall Spruill, Esq.

We don't know if a fee is required and due to the time restraints I am sending a personal check.