

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No: 2014-002242

Windswept Villas III
Horizontal Property Regime,

Respondent,

v.

Elaine Devlin Peery a/k/a,
Elaine D. Peery,

Appellant.

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SC Court of Appeals

APPELLANT'S MOTION FOR AN EXTENSION OF TIME

Appellant respectfully submits this motion for extension of time in the above matter.

On September 25, 2014, a cover letter which included the original and two copies of the Proof of Service, Notice of Appeal, and Certificate of Service dated September 25, 2014, was served upon the Respondent's attorney Katie Monoc and the Clerk for the Charleston County Court of Common Pleas. The Appellant received filed copies of the Proof of Service along with the Notice of Appeal and the enclosed Orders from the Charleston County Court of Common Pleas on September 26, 2014.

Due to the time sensitivity in this matter Attorney for the Appellant contacted the Court of Appeals on October 10, 2014 as to the delay in not receiving filed copies of the Appellant's Notice of Appeal from the Court. Attorney for the Appellant spoke with Ella, the assigned case

manager, and was then referred to Ella's supervisor, Monica, who advised that there was no receipt by the Appellate Court of the Notice of Appeal and its attachments. Appellants' counsel's bank records indicate that the check for the filing fee \$100, payable to the South Carolina Court of Appeals, posted to her account on October 1, 2014. The check for the filing fee was secured to the Notice of Appeal packet of September 25, 2014, and mailed to the Court of Appeals in the same envelope.

Citing no fault by the Appellant, this is the second time the Appellate Court has advised that it did not receive the Appellant's documents.

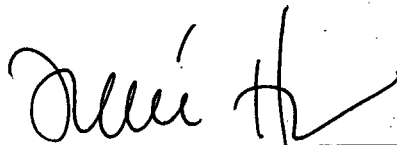
On October 27, 2014, counsel for Appellant received a copy of her initial cover letter dated September 25, 2014, the Notice of Appeal, and all attached orders, from the Court of Appeals. This mailing was stamped "received September 30, 2014, SC Court of Appeals." On the same day, Appellant's counsel also received in the mail a letter dated October 22, 2014, from the office of the Court of Appeals, indicating that the aforementioned Notice of Appeal had been received by that office, and that an Appellant case number had been assigned to this matter. At no time after filing the Notice of Appeal on September 25, 2014, or after speaking with the staff in the clerk's office for the Court of Appeals, did anyone from that office contact counsel for the Appellant to inform her that the missing documents related to her September 25th Notice of Appeal had been located and properly filed.

Appellant's counsel has not sought the consent of counsel for the Respondent, as it relates to this Motion. Counsel for the Appellant asserts that the need to request additional time was due to an error in the office of the Clerk for the Court of Appeals, whereby the Appellant's Notice of Appeal and all supporting documents were misplaced or misfiled by the Court of Appeals.

Counsel for Appellant moves for an order of the Court resetting and identifying a date

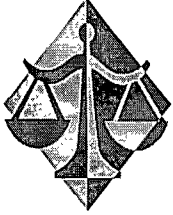
that is reasonable for the Appellant to respond and comply with the SCACR with regard to this appeal. Based upon the Appellant's filing of the Notice of Appeal dated September 25, 2014, Appellant would have to have ordered the transcripts by October 5, 2014, pursuant to Rule 207 of the South Carolina Appellate Court Rules (SCACR). Because of the error(s) of the staff of the Clerk's at the Court of Appeals in misplacing Appellant's Notice of Appeal and supporting documents, the date has long passed, and counsel for Appellant requests an extension of time in order to comply with the SCACR. Further, counsel for Appellant requests that any fee for this motion be waived.

October 29, 2014.



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October 29, 2014

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
Post office Box 11629
Columbia SC 29211

Re: Windswept Villas III Horizontal property Regime vs. Elaine Devlin Peery
Case No.: 2014-002242

Dear Ms. Kitchings:

Please find enclosed the original and two (2) copies of the Appellant's Motion for Extension of Time and Certificate of Service dated October 29, 2014, and served upon Katie Fowler Monoc as attorney for Windswept Villas III Horizontal Property Regime. Please file the original and return two (2) stamped copies to me in the enclosed envelope.

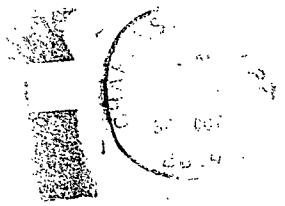
Very truly yours,

Vernee C. Hancock

VCH/nac
Enclosures – as stated.

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