

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.: 2005-CP-10-4101

**RECEIVED**  
OCT 31 2014  
SC Court of Appeals

The Milton P. Demetre Family Limited Partnership .....Appellant

v.

Harry Beckmann, III, Patricia P. Beckmann, Annie Ruth Hilton Crowley,  
Raymond Moody Crowley, Donald William Crowley, Harris L. Crowley, Jr.,  
and Annie Ruth Crowley Atkinson ..... Respondents

**APPELLANT’S REPLY IN SUPPORT OF  
APPELLANT’S MOTION FOR EXTENSION OF TIME**

Appellant submits this Reply in support of Appellant’s Motion for Extension of Time to File and Serve a Reply in Support of Appellant’s Petition for Rehearing.

Respondents argue, “. . . Rule 240(f) of the South Carolina Appellate Court Rules, does not allow the Appellant five days from his receipt of Respondents’ Return, but instead the Appellant only has five days from the date of service of Respondents’ Return, and the date of service of Respondents’ Return, was October 16, 2014.” (Respondents’ Return, p. 4).

However, Appellant does not argue that Rule 240(f) allows five days from receipt of Respondents’ Return to file and serve a Reply. Rather, Appellant requested five days from receipt to file and serve a Reply.

Appellant received Respondents' Return on Monday October 20, 2014, making Appellant's Reply due Thursday October 23, 2014, providing an inadequate opportunity for Appellant's counsel to review Respondents' seventeen (17) page Return, research law, consult with Appellant, draft a Reply, and file and serve the Reply.

Unfortunately, the five days from service allowed under Rule 240(f) impacts parties differently depending on what part of the State they are in and how quickly the mail system, a system over which they have no control, delivers the mail to them. Here, Respondents' Proof of Service states that they served their Return on Thursday October 16, 2014 in Columbia, SC; however, Respondents' Return was not delivered to Appellant until four days later in Charleston, SC until Monday October 20, 2014.

Appellant, upon receipt of Respondents' Return, realizing that the amount of time left under Rule 240(f) was insufficient to afford an adequate opportunity to file a meaningful Reply, promptly filed the subject Motion for an Extension of Time that same day.

#### CONCLUSION

For the foregoing reasons, Appellant's Motion for Extension of Time to File and Serve a Reply should be granted.

RESPECTFULLY SUBMITTED,

Cain Denny, P.A.

By: Cain Denny  
Cain Denny, Esquire  
Post Office Box 1205  
Charleston, S.C. 29402  
(843) 478-0692  
*Attorney for Appellant*

October 30, 2014

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**PROOF OF SERVICE**

I certify that I have served a copy of Appellant’s Reply in Support of Appellant’s Motion for an Extension of Time on Harry Beckmann, III, Patricia P. Beckmann, Annie Ruth Hilton Crowley, Raymond Moody Crowley, Donald William Crowley, Harris L. Crowley, Jr., and Annie Ruth Crowley Atkinson by depositing a copy of it in the United States Mail, postage prepaid, on October 30, 2014, addressed to their attorneys of record, Jefferson D. Griffith, III, Esquire, and Richard L. Witt, Esquire, Austin & Rogers, P.A., Post Office Box 11716, Columbia, South Carolina 29211.

October 30, 2014

Cain Denny, P.A.

By: Cain Denny  
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SC Court of Appeals

October 30, 2014

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

Re: The Milton P. Demetre Family Limited Partnership vs.  
Harry Beckmann, III, et al  
Appellate Case No. 2012-212136  
Charleston County Court of Common Pleas Case No. 2005-CP-10-4101

Dear Ms. Kitchings:

Enclosed please find:

- the original and seven (7) copies of Appellant's Reply in Support of Appellant's Motion for Extension of Time; and
- the original and one (1) copy of the Proof of Service.

Please return stamped copies in the self-addressed envelope provided.

Best wishes.

Very truly yours,

*Cain Denny*

Cain Denny

c.c. Jefferson D. Griffith, III, Esquire  
Richard L. Whitt, Esquire  
Mr. Milton P. Demetre



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Court of Appeals

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**SC Court of Appeals**

