

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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Appeal from Charleston County  
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

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Appellate Case No. 2014-001273  
Circuit Court Case No. 2012-CP-10-8447

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Montclair Property Owners Association, Inc. and Montclair  
Property Owners Association Board of Directors for and on  
behalf of all owners of the Montclair Horizontal Property  
Regime, as assignees of Montclair Associates Limited  
Partnership, Cremco, LLC and Montclair Homes, LLC,

Respondents,

v.

Church Creek Construction, LLC,

Appellant.

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**RESPONDENTS' SECOND MOTION FOR EXTENSION OF TIME  
TO FILE AND SERVE INITIAL BRIEF**

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DEC 10 2014

**SC Court of Appeals**

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TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA  
COURT OF APPEALS

COME NOW Respondents above named, by and through their undersigned counsel, pursuant to Rules 240 and 263, SCACR, and, upon the grounds set forth herein, move this Honorable Court for a second 30-day extension of Respondents' deadline to file and serve their initial brief and corresponding designation of matter to be included in the record on appeal.

1. Appellant served its initial brief on October 7, 2014, making the deadline for Respondents' initial brief and designation November 6, 2014, pursuant to Rules 208(a)(2) and 209(a), SCACR. By Order of this Court dated November 12, 2014, Respondents' deadline for serving and filing their initial brief and designation of matter was extended until December 8, 2014.

2. In light of work-related and other time commitments, an additional extension of 30-days' time to file and serve Respondents' initial brief and designation is respectfully requested.

3. Respondents respectfully submit that the Court's grant of the allowance requested herein is consistent with the interests of justice, will not unduly delay this matter, and will not prejudice Appellant.


**4. Prior to making this motion, the undersigned counsel for Respondents consulted with Appellant's counsel C. Mitchell Brown, Esquire. Mr. Brown has kindly authorized the undersigned to**

**represent to the Court that Appellant has no objection to the extension of time requested herein.**

WHEREFORE, Respondents move this Honorable Court for a second 30-day extension (from December 8, 2014) of their deadline to file and serve their initial brief and designation of matter. If the Court grants the requested extension, the new deadline for the Respondents' initial brief and designation of matter will be January 7, 2014, according to Respondents' calculations. Lastly, Respondents request that the Court hold their present deadline for initial briefing/designation in abeyance until it acts upon this motion.

Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By: 

Stephen L. Brown (SC Bar No. 66468)

Joseph E. DaPore (SC Bar No. 1544)

Edward D. Buckley, Jr. (SC Bar No. 994)

Russell G. Hines (SC Bar No. 71200)

25 Calhoun Street, Suite 400

Charleston, SC 29401

P.O. Box 993 (29402)

(843) 577-4000

*Attorneys for Respondents*

Charleston, South Carolina

Dated: 12/8/14

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Partnership, Cremco, LLC and Montclair Homes, LLC,

Respondents,

v.

Church Creek Construction, LLC,

Appellant.

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**PROOF OF SERVICE**

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I, Russell G. Hines, of Young Clement Rivers, LLP, do hereby certify that a copy of the **Respondents' Second Motion for Extension of Time to File and Serve Initial Brief** was sent to all parties or their counsel via United States Mail, postage pre-paid, on December 8, 2014, addressed as follows:

C. Mitchell Brown, Esquire  
Elizabeth Herlong Brogdon, Esquire  
Miles E. Coleman, Esquire  
Brian P. Crotty, Esquire  
NELSON MULLINS RILEY & SCARBOROUGH, LLP  
1320 Main Street, 17<sup>th</sup> Floor  
Columbia, SC 29201


*-and-*

Thomas H. Hesse, Esquire  
PRATT-THOMAS WALKER, PA  
P.O. Drawer 22247  
Charleston, SC 29413-2247

*Attorneys for Appellant*

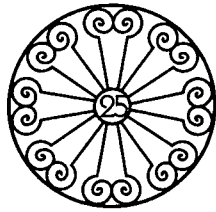
Respectfully submitted,

YOUNG CLEMENT RIVERS, LLP

By:   
Russell G. Hines (SC Bar No. 71200)

Charleston, South Carolina

Dated: 12/8/14



**YCR LAW**  
Young Clement Rivers, LLP

Aimee M. Justman  
Legal Assistant

Direct Dial: (843) 720-5460  
Direct Fax: (843) 579-1385  
E-mail: [Ajustman@ycrlaw.com](mailto:Ajustman@ycrlaw.com)

November 6, 2014

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

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**SC Court of Appeals**

Re: Montclair Property Owners v. Church Creek Constr.  
Appellate Case No.: 2014-001273  
Case No.: 2012-CP-10-8447  
YCR File: 13752-20081514

Dear Ms. Kitchings:

Enclosed for filing in the above-referenced matter, please find the original and seven (7) copies of **Respondents' Second Motion for Extension of Time to File and Serve Initial Brief**, and the original and one (1) copy of a **Proof of Service**. Also enclosed is a check in the amount of \$25.00 to cover the costs associated with this request.

Kindly file the original and return one court-stamped copy to me using the pre-stamped envelope provided. With best wishes and kindest regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP

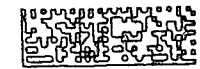
Aimee M. Justman  
Legal Assistant

/amj

Enclosures

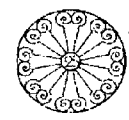
cc: C. Mitchell Brown, Esquire, Nelson, Mullins, Riley & Scarborough, LLC  
Elizabeth Herlong Brogdon, Esquire, Nelson, Mullins, Riley & Scarborough, LLC  
Miles E. Coleman, Esquire, Nelson, Mullins, Riley & Scarborough, LLC  
Brian P. Crotty, Esquire, Nelson, Mullins, Riley & Scarborough, LLC  
Thomas H. Hesse, Esquire, Pratt-Thomas Walker, PA

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**YCRLAW**

25 Calhoun Street, Suite 400  
P.O. Box 993  
Charleston, SC 29402-0993

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Jenny Abbott Kitchings, Clerk of  
Court  
South Carolina Court of Appeals  
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Columbia, SC 29211

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