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SC Court of Appeals

March 6, 2015,

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

**RE: Belle Hall Plantation Homeowner's Association, Inc. v. John A. Murray, Trustee of John E. Murray Gloria C. Murray Family Trust
Appellate Case No.: 2014-002018**

Madam Clerk,

I am writing to Amend Appellants' pending Motion before this Court dated February 26, 2015, and to update the Court as to the Appellant's Motion to Reconsider the Master's Order of February 10, 2015. The Master has now determined that rather ruling on the Motion without a hearing he has elected to schedule a hearing upon the Motion on April 8, 2015. Appellants now write request an extension of time to Amend their Initial Brief and Designation of Matter and to serve it upon this Court ten days after the Master has issued an Order upon the Motion to be heard on April 8, 2015.

The relevant background on the Motion is as follows.

1. On **July 22, 2014**, the Master filed an Order Vacating the Order of Foreclosure, and the Sale of the Subject property to Appellants, David Conor Keys and Karen Keys (hereinafter "Appellants").

2. On **August 1, 2014**, Appellants filed a Motion to Reconsider the Order of July 22, 2014.

3. On **August 4, 2014**, the Respondent, John A. Murray, Trustee of John E. Murray and Gloria C. Murray Family Trust (hereinafter “the Trust” or “Respondent”), filed a Motion to Amend the Order of July 22, 2014, to include additional findings of fact and law.

4. On **August 20, 2014**, the Master filed a form four Order denying the Appellants Motion to Reconsider the Order of July 22, 2014, and Granting the Respondent Trust’s Motion to Amend the Order of July 22, 2014. The form four Order states: “Formal order to follow.”

5. On **September 2, 2014**, Appellants, pursuant the requirements of Rule 59(e), SCRCPC, filed a Motion to Reconsider the Order of August 20, 2014.

6. On **September 19, 2014**, the Master elected to rule on Appellants’ September 2, 2014, Motion without holding a hearing on the matter and did so by filing and Order denying Appellants’ Motion to Reconsider the Order of August 20, 2014, ruling.

7. On **February 1, 2015**, Appellants served their Initial Brief in this Appeal.

8. On **February 10, 2015**, the Master filed an Amended “Formal Order to Follow” Order which amended the Order of July 22, 2014.

9. On **February 18, 2015**, Appellants filed a Motion to Reconsider the Order pursuant to Rule 59, SCRCPC, and in order preserve for appeal Appellants objections to the Order.

10. After waiting a time to see if the Master would promptly rule upon the Motion, Appellants on **February 26, 2015**, amended their Notice of Appeal and Filed a Motion with this Court to Withdraw Appellants' Initial Brief and Substitute an Amended Initial Brief to take into consideration the Order of February 10, 2015.

11. At the time Appellants served their Motion to Amend their Brief Appellants were under the impression that the Master would rule upon the matter without a hearing. Appellants were under this impression based upon the fact the Master had by Order filed on September 19, 2014, ruled upon Appellants previous Motion to Reconsider, without holding a hearing on the Matter.

12. Based upon Appellants incorrect presumptions of the Master's intent, Appellants' stated their February 26, 2015, Motion to Withdraw and Amend Appellants' Initial Brief that "Appellants do not request of this Court an extension of time to amend their initial brief or designation of matter if this Court were to grant Appellants' Motion."

13. However, now that Master has elected to hear oral arguments upon the pending Motion on April 8, 2015, Appellants wish to amend their February 26, 2015, Motion to this Court to request an extension of time to serve Appellants Amended Initial Brief after April 8, 2015.

14. Appellants' request an extension of time to conclude 10 days after the Master serves upon Appellants the Order ruling upon the Motion to be heard on April 8, 2015.

15. Because the April 8, 2015, hearing is on a Motion to Reconsider the Order Amending the Order of July 22, 2014, which vacated Order of Foreclosure and Sale, the parties will raise at the hearing factual, legal, and equitable issues which are at the very

heart of this Appeal. Such issues will include but are not limited to whether the Master erred in vacating the Order of Foreclosure and Sale pursuant to Rule 60, (b)(4), SCRCP, and whether Appellants are Bona Fide Purchasers for Value. These are primary issues which Appellants addressed in their Initial Appellate Brief served February 1, 2015.

16. Respondents have not filed their initial briefs and Appellants would assert at that the Respondents have already been advantaged by receiving a copy of Appellants Initial Appellate Brief prior to the filing of the Order of February 10, 2015; and prior to the hearing of April 8, 2015.

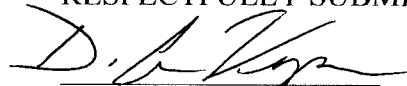
17. Additionally now there will be a new hearing Transcript and a fifth subsequent Order which will both necessarily become a part of the Record on Appeal in this Matter.

18. Appellants' would respectfully assert that they will be greatly prejudiced in this Appeal if they are not afforded an opportunity to Amend their brief after the Master has issued an Order upon the Motion to be heard on April 8, 2015.

19. Appellants' would also respectfully assert that it would be in the interest of judicial economy to allow Appellants' to amend their Initial Brief after the Master has issued on Order upon the Motion to be heard on April 8, 2015.

20. For the reasons set forth above please allow this letter to serve as to amendment to Appellants' February 26, 2015, Motion to Withdraw Appellants' Initial Brief and to Substitute an Amended Initial Brief in its Place and to Amend Appellant's Designation of Matter.

RESPECTFULLY SUBMITTED,



D. Conor Keys

Enclosures:

(as stated)

CC:

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