

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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APPEAL FROM HORRY COUNTY  
Court of Common Pleas

J. Michael Baxley, Circuit Court Judge

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**RECEIVED**

MAR 23 2015

Opinion No. 5284 (S.C. Ct. App. Filed December 17, 2014)

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**S.C. Supreme Court**

Fayrell Furr and Karole Jensen .....Petitioners

vs.

Horry County Zoning Board of Appeals .....Respondent

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**MOTION TO FILE RETURN TO PETITION FOR  
CERTIORARI OUT OF TIME**

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Attorney for Respondent


Other Counsel of Record:

Gene M. Connell, Jr.  
Kelaher, Connell & Connor, P.C.  
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Post Office Drawer 14547  
Surfside Beach, South Carolina 29587-4547  
Telephone: 843-238-5648  
Attorney for Petitioners

Respondent respectfully moves this Court to file Respondents' Final Brief out of time. Petitioners served their Petition for Writ of Certiorari via United States Mail on February 12, 2014. Respondent received the Petition for Writ for Certiorari on February 16, 2014. Due to inadvertence and a mistake regarding the due date for filing a Return to Petition for Writ of Certiorari, Respondent miscalculated the due date for the Return to Petition. Rule 242, SCACR provides that a Return to Petition is due "[w]ithin thirty (30) days after service of the petition . . . ." Rule 242(f), SCACR. Respondent, however, calculated the due date as thirty days (30) after receipt of the Petition for Writ of Certiorari. The Return to Petition for Writ of Certiorari is prepared and has been submitted to the Court to be filed.

Respectfully submitted,

THOMAS & BRITTAIN, P.A.



Emma Ruth Brittain

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Leah Montgomery Cromer

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Attorneys for the Respondent

March 18, 2015

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

J. Michael Baxley, Circuit Court Judge

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**S.C. Supreme Court**

Opinion No. 5284 (S.C. Ct. App. Filed December 17, 2014)

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**CERTIFICATE OF SERVICE**

I certify that I am an employee of Thomas & Brittain, P.A., and that I have served the Motion to File Return to Petition for Certiorari Out of Time on the Petitioners, through their attorney of record, by depositing a copy of it in the United States mail, postage prepaid, on March 18, 2015, addressed to:

Gene M. Connell, Jr., Esquire,  
Kelaher, Connell & Connor, P.C.,  
Post Office Drawer 14547  
Surfside Beach, South Carolina, 29587.

March 18, 2015



Kimberly W. Nobles  
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\*CERTIFIED EMPLOYMENT  
& LABOR LAW SPECIALIST

March 18, 2015

**Via Fax Transmission and U.S. Mail**

Honorable Daniel E. Shearouse, Clerk of Court  
South Carolina Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

**RECEIVED**

MAR 23 2015

**S.C. Supreme Court**

Re: Fayrell Furr and Karole Jensen vs. Horry County Zoning Board of Appeals  
Appellate Case No.: 2015-000271

Dear Mr. Shearouse:

Our firm represents the Respondent, Horry County Zoning Board of Appeals, in the above-referenced matter. Please find enclosed for filing the original and six (6) copies of the Respondent's Motion to File Return to Petition for Certiorari Out of Time in this case. Please stamp the enclosed copy and return it to our firm in the enclosed self-addressed stamped envelope.

By copy of this letter we are serving the attorneys of record. Please do not hesitate to contact our office if you have any questions.

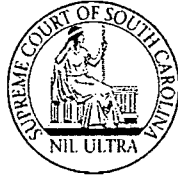
Sincerely yours,

THOMAS & BRITTAIN, P.A.



Emma Ruth Brittain

ERB/kwn  
Enclosures  
cc: Gene M. Connell, Jr., Esquire



# The Supreme Court of South Carolina

Thomas & Brittain, PA

03/23/2015

## RECEIPT #75422

**Case No:** 2015-000271  
**Case Short Title:** Fayrell Furr v. Horry County  
**Event:** Motion - Extension of Time (1st)  
**Fee Type:** Motion Fee  
**Amount:** \$25.00  
**Payment Type:** Check  
**Reference No:** 1201  
**Check/Money Order Date:** 03/18/2015  
**Comments:**