

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Marvin H. Dukes, III, Special Circuit Court Judge

Appellate Case No. 2015-000035
Lower Case No. 2013-CP-07-00610

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MAR 19 2015
SC Court of Appeals

First South Bank Respondent,

v.

John E. Rosenberg and Phillip J. Brust..... Defendants,

Of Whom The Estate of Phillip J. Brust is..... Appellant.

APPELLANT'S MOTION FOR EXTENSION OF TIME

Pursuant to South Carolina Appellate Court Rule 263(b), Appellant The Estate of Phillip J. Brust, moves for an extension of thirty (30) days from the existing deadline to file its Initial Brief and Designation of Matter to be Included in the Record on Appeal in this matter. Appellant filed its Notice of Appeal on January 9, 2015. Appellant received the Transcript on March 5, 2015. Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal are now due on or before April 6, 2015. Appellant requests an extension of thirty (30) days to file the Initial Brief and Designation of Matter to be Included in the Record on Appeal because existing work demands and previously

scheduled commitments will make it difficult for the parties to analyze and designate the matters to be included in the record, fully research the legal issues involved in this matter, and prepare and file the Initial Brief and Designation of Matter to be Included in the Record on Appeal under the existing deadline.

Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal will be due on or before May 6, 2015 if the extension is granted. Appellant's counsel has conferred with counsel for Respondent's counsel regarding this motion, and Respondent consents to the thirty (30) day extension.

For the reasons set forth herein, Appellant requests a thirty (30) day extension to serve and file its Initial Brief and Designation of Matter to be Included in the Record on Appeal.

Respectfully submitted,



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Attorney for Appellant Phillip J. Brust

March 17, 2015

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First South BankRespondent,

v.

John E. Rosenberg and Phillip J. Brust..... Defendants,

Of Whom Phillip J. Brust is.....Appellant.

PROOF OF SERVICE OF MOTION FOR EXTENSION

This is to certify that I have this day served counsel for the Respondent in the foregoing matter with a copy of the foregoing *Motion for Extension of Time to File Initial Brief* by depositing same in the United States Mail with adequate postage affixed thereon to ensure delivery, addressed as follows:

Jeffrey L. Silver, Esquire
Tyler, Cassell, Jackson, Peace & Silver, LLC
1331 Elmwood Avenue, Suite 300
P.O. Box 11656
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Attorney for Appellant Phillip J. Brust

March 17, 2015

Charleston, South Carolina

Moore & Van Allen

March 17, 2015

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
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**RE: First South Bank v. John E. Rosenberg and Phillip J. Brust
Appellate Case No. 2015-000035
MVA File No. 038043.1**

Dear Ms. Kitchings:

Enclosed for filing please find the original and seven (7) copies of a Motion for Extension of Time and Proof of Service in the above referenced matter. I am enclosing a check in the amount of \$25.00 for the requisite filing fee. Please file the originals and return filed-stamped copies in the self-addressed envelope provided.

By copy of this letter, I am serving all counsel of record with a copy of the same.

Thank you for your assistance in this matter.

Sincerely,

Moore & Van Allen PLLC



E. Brandon Gaskins

EBG/hm

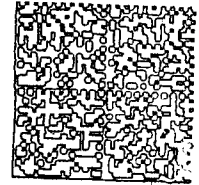
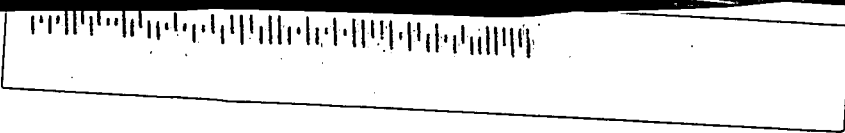
Enclosures: as stated

cc: Jeffrey L. Silver, Esquire

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