

701-21A

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

RECEIVED  
JUN 01 2015  
SC Court of Appeals

Case No. 2013-CP-10-5559

Madison at Hamlin Plantation  
Townhome Association, Inc.,  
and Sandy Randall and Cherie  
Berotti, individually and on  
behalf of all others similarly  
situated,

Respondents,

v.

Builders Support Services of  
the Carolinas, Inc. individually  
and f/k/a John Wieland  
Homes and Neighborhoods of  
the Carolinas, Inc. individually  
and f/k/a John Wieland  
Homes and Neighborhoods of  
NC, Inc. individually and f/k/a  
John Wieland Homes and  
Neighborhoods of SC, Inc.,  
John Wieland Homes of SC,  
Inc., John Wieland Homes,  
Inc., John Wieland Homes of  
Charleston, Inc.,

Appellants.

**APPELLANTS' MOTION TO FILE INITIAL BRIEF AND  
DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD  
OUT OF TIME, WITH RESPONDENTS' CONSENT**

NOW COME Builders Support Services of the Carolinas, Inc. individually and f/k/a John Wieland Homes and Neighborhoods of the Carolinas, Inc. individually and f/k/a John Wieland Homes and Neighborhoods of NC, Inc. individually and f/k/a John Wieland Homes and Neighborhoods of SC, Inc., John Wieland Homes of SC, Inc., John Wieland Homes, Inc., John Wieland Homes of Charleston, Inc. (“Appellants”), by and through their undersigned counsel, and pursuant to Rules 240(a) and 263(b) of the South Carolina Appellate Court Rules, respectfully request permission to file and serve out of time their initial brief and designation of matter to be included in record.

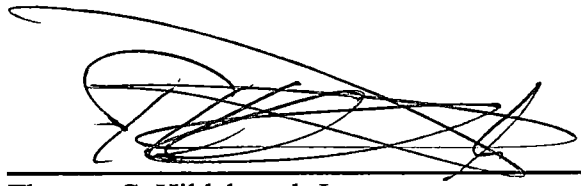
Appellants respectfully contend that good cause exists for this Motion based on the reasons set forth in the supporting Affidavit attached hereto.

The undersigned have consulted with counsel for Respondents, Justin O’Toole Lucey, and he consents to this request.

This Motion is being sent to the Court and to counsel for Respondents by U.S. Mail. The \$25.00 filing fee is attached hereto.

WHEREFORE, Appellants respectfully request an order allowing Appellants to file and serve their initial brief and designation of matter to be included in record within thirty (30) days after the date of this Court’s ruling on the instant Motion. Alternatively, Appellants request a thirty (30) day extension from the date of this Motion, which would result in the initial brief and designation of matter to be included in record being due on or before June 29, 2015.

[SIGNATURE BLOCK APPEARS ON FOLLOWING PAGE.]



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May 29, 2015

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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

**SC Court of Appeals**

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

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the Carolinas, Inc. individually  
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Homes and Neighborhoods of  
NC, Inc. individually and f/k/a  
John Wieland Homes and  
Neighborhoods of SC, Inc.,  
John Wieland Homes of SC,  
Inc., John Wieland Homes,  
Inc., John Wieland Homes of  
Charleston, Inc.,

Appellants.

**PROOF OF SERVICE**

I certify that I have served **APPELLANTS' MOTION TO FILE INITIAL BRIEF AND DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD OUT OF TIME, WITH RESPONDENTS' CONSENT** on

PPAB 2817602v1

Respondents by delivering a copy of it in the United States Mail, postage prepaid, on May 29, 2015, addressed as follows:

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May 29, 2015

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JUN 01 2015

SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk of Court, Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

Re: Madison at Hamlin Plantation Townhome Association, Inc. and Sandy Randall and Cherie Berotti, individually, and on behalf of all others similarly situated v. Builders Support Services of the Carolinas, Inc., et al.  
Case No.: 2013-CP-10-5559

Dear Ms. Kitchings:

Enclosed herewith please find the original and six copies of the Appellants' Motion to File Initial Brief and Designation of Matter to be Included in the Record Out of Time, with Respondents' Consent, along with an Affidavit in the above-referenced matter. I also enclose our firm's check in the amount of \$25.00 for the filing fee. Please file the documents and return filed-stamped copies to me.

Thank you for your attention to this matter. Please do not hesitate to contact me if you have any questions. By copy of this letter, we are serving same on all counsel of record.

With best regards,

Yours very truly,

Thomas C. Hildebrand, Jr.

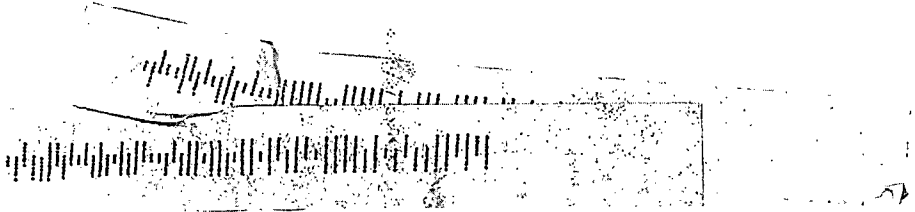
TCHJr/lah  
Enclosure

cc: Justin O. Lucey, Esq. (via email and US Mail)  
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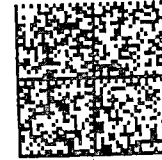
May 29, 2015

Page 2

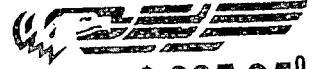
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