

77207

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SEP 10 2015

SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Marvin H. Dukes, III, Master-in-Equity

Solomon Johnson; Frank Johnson; Ruth Green; Dorothy Jones; Theresa Scott; Erma Johnson; Kelly Barbara Jean Ferguson a/k/a Barbara Jean Albergottie; Alphonzo Albergottie; David Pringle; Pauline Lesesne; Marion Pringle, Jr.; Frederick Scott; Paul K. Scott; HaroLd Jones; Sandra Williamson Powell; Frederick L. Williamson; Elvin Bennett; Janie L. Ganues; Bertha Stafford; Patrice Stafford; Mary Lee Gary; Alnethia Gary; Edward Stanley Stafford; Luerta Gary; Kenneth Gary; Carlos Gary; Ron Kenneth Stewart; Mary Frances Duncan; Debra Williams; Larry Williams; Barbara Williams Smith; Johnie Williams; Terri Elaine Weaver; Letha G. Rhem; Patricia Ann White; Sharon White; Nolen White; Johnny Washington.....RESPONDENTS

VERSUS

The Heirs or devisees of Solomon White; Mary Ann Pinckney White; Edward White; Jacob White; Mary White; Carrie White; Ellen White Gary; Sam Gary; Emma Gary Johnson; Miller Johnson, Sr.; Oscar Johnson; Eloise Johnson; Miller Johnson, Jr.; Leola Johnson; Richard (Ritchie) Johnson; Sarah H. Johnson; Mack Coles; Emily Johnson Albergottie; Robert Albergottie; Louise Johnson Pringle; Marion Pringle; Mamie Gary; Thomas Brown; Carrie Scott; Clarence Scott; Jessie Mae Scott Smalls; Williams Smalls, Jr.; Nathaniel Scott; Camerine Scott; Hermon V. Scott; Luther Scott; Earnestine Steward; Epstein Steward; Lonny Brown; Gussy Brown; Charles Brown; Danza Gary; Victoria Brown; Dorothy Williams; Joseph Williamson, Sr.; Elijah Williamson; Joseph Williamson, Jr.; Helen (Sweetie) Brown Bennett; Ervin Bennett; Janie Bennett Green; Eloise Bennett Nix; Benjamin Nix; Terry Nix; Carrie Gary; Harry Julius; Richard Gary; Fronnie Gary; Ella Gary; Francis Gary; Florence (Nan) Gary; Aletha (Tiny) Gary Watson; Andrew Gadsden; Frank Watson; Elizabeth Gary Stafford; Lee Stafford; John Lee Stafford; Joseph Gary; Nehemiah Gary; Dorothy Gary; Harold Gary; Cleveland Gary; Henry Gary; Florrie Gary; Naomi Gary Stafford; James Stafford, Sr.; Hattie Mae Stafford; Edna Brooker; Henry Brooker; Inell Jones; Raymond Jones; James Stafford, Jr.; Hazel Gary; Henry Gary, Jr.; Henry Gary, III; Herman Gary; Mary Ellen Gary Williams; Herbert Williams, Sr.; Herbert Williams, Jr.; Louise Gary White; Jimmy White; Lou Ethel Washington; Margaret Gary Levine; David Levine; Eddie James Gary; Wilhelmina Gary Murray; Ezekiel Murray, Sr.; Josephone Gary Jenkins; Eddie Jenkins; Joe Louis Gary; Heirs of David Pringle; Salt Marsh Partners, L.P.; Janice E. Jones and Ralph E. Johnson; Bobbie J. Collins; Leroy Norris and Odis Ann Norris; M. Lane Morrison; Milles Lanes Morrison and Bank of America, N.A., as Trustees; Beaufort County Open Land Trust; Williams McLean Mixon and Barbara Hill Mixon, as Trustees of the Mixon Revocable Trust Agreement dated July 24, 2008; Robert J. Pinckney; Mamie Brown; Susie Cordeaux; Dorothy Lesesne; Ben Pinckney; Etta Pinckney; Henry Pinckney; Herbert Pinckney; Ernestine P. Rogers; Lillie Shell; and Ruth P. Simmons;

Richard Johnson, Jr.; Helen Coles; Jackie Smalls; Sharon Smalls; Andrea Smalls; Brooke Smalls; Allan Scott; Cleon Scott; Nia Malika Singletary; Loretta L. Steward; Nathan Jones; Eric Williamson; Dwayne Williamson; Audrey Brown; Joseph Johnson; Jacqueline Johnson Major; Robert Lee Green; Kenneth Green; Juanita Green; Keith Green; Joseph Green; Ellis Green; Carl Green; Brown Bennett; Dorsey Bennett; Williams Nixs; Jennifer Nixs; Jason Nixs; Thaddaus Nixs; Edward Nixs; Charles Nixs; Althea Nixs; Clara Gary; Francis Gary, Jr.; Adelia Gary; Charles Gary; Albert Gary; Ulysses Gary; Bernard Gary; David Gary; Annette Singleton; Lillie Mae Gifford; Shawndea Stafford; James Stafford; Beulah Gadsden; Jordan Harris; Leon Stafford; Alvin Brooker; Michael Stafford; Shirley Stafford White; Gail Stafford Marquez; Jacqueline Stafford; Stephanie Jones; Renata Jones; Ranell Jones; Germaine Jones; Nathaniel Stafford; Angela Stafford; Sonya Green; James Stafford, III; Rasheen James; Jusean James; Kierra Stafford; Lena (Evelyn) Gary; Brenda Patterson; Jeanette Rutledge; Issac Williams; Carolyn Achampny; Antoinette Lewis; Geraldine Brown; Johnny Washington; Kurt Washington; Diane Gary; Tracy Washington; Carren Washington; Lunetha Gary; James Stanley Gary; Gerald R. Gary; if living, and if not living then the heirs or devisees of all such persons named above, and all persons unknown having or claiming to have any right, title, estate, interest in or lien upon the real property described in the Complaint herein, being designated collectively as John Doe and Mary Roe, including all persons who may be deceased, minors, in the Armed Forces of the United States, *Non Compos Mentis*, and under any other disability;

Of which Clara Gary; Adelia Gary; David Gary; Annette Singleton; Albert Gary; Ulysses Gary; Bernard Gary; Francis Gary, Jr.; and Charles Gary areAPPELLANTS.

MOTION FOR EXTENSION TO FILE
INITIAL BRIEF BY RESPONDENT

The RESPONDENTS move the Court to be allowed to file their Initial Brief on or before October 30, 2015 for the following reasons, to wit:

1. Respondents attorney's spouse (MaryAnn Mikell) was in the hospital (Beaufort Memorial Hospital under the care of Dr. Rosello) from Friday, August 14, 2015 to Tuesday, August 18, 2015 (5 days and 4 nights) with double pneumonia and she was under restricted home care until August 31, 2015; all of which has caused the attorney's time to be restricted.
2. There is a family wedding (a niece) planned in Washington, D.C. (vacation time) for September 18, 2015 through September 21, 2015.
3. Apellants filed their Notice of Intent to Appeal October 9, 2014 and Respondents received the Initial Brief on August 10, 2015 so the Appellants had ten months to prepare their Brief.

Appellants' Counsel has consented by telephone discussion to this Motion.

September 4, 2015

J. Thomas Mikell, P.C.

By: 

J. Thomas Mikell
Attorney for the Respondents
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Beaufort, South Carolina

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4858.0002

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SC Court of Appeals

J. THOMAS MIKELL*
BENJAMIN T. COPPAGE (SC & GA)

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ben@mikelllaw.com

MEMORANDUM

DATE : September 4, 2015

TO : Clerk -- SC Court of Appeals

RE : Solomon Johnson, et al, vs. The Heirs of Solomon White, et al.

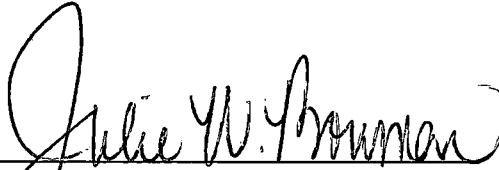
CASE NO. 2011-CP-07-5211

JTM FILE #: 4858.0002

Enclosed are the following document(s) for filing with the SC Court of Appeals and the filing fee of \$25.00. Please file and return a clocked copy in the enclosed self-addressed, stamped envelope. Thank you.

**MOTION FOR EXTENSION TO FILE
INITIAL BRIEF BY RESPONDENT**

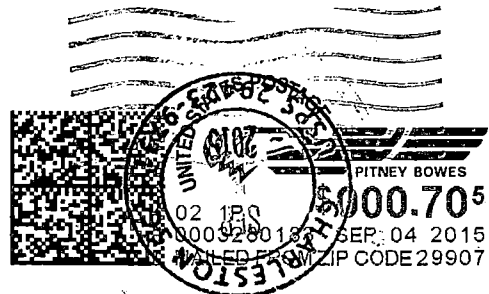
CERTIFICATE OF MAILING


Julie W. Bowman
Secretary to
J. Thomas Mikell

* Certified Mediator and Arbitrator

* Member - College of Community Association Lawyers

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Clerk - SC Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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