

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM LEXINGTON COUNTY  
Court of Common Pleas

77899  
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G. Thomas Cooper, Jr., Circuit Judge

NOV 18 2015

SC Court of Appeals

Appellate Case No.: 2015-000263

Oak Pointe Homeowners' Association, Inc.,.....Respondent,

v.

Mackenzie E. Peffley,..... Appellant.

MOTION FOR EXTENSION OUT OF TIME TO SERVE AND FILE  
APPELLANT'S INITIAL BRIEF AND  
DESIGNATION OF MATTER TO BE INCLUDED IN RECORD ON APPEAL

Andrew S. Radeker  
S.C. Bar No. 73743  
Harrison & Radeker, P.A.  
Post Office Box 50143  
Columbia, South Carolina 29250  
(803) 779-2211  
Attorney for Appellant

Appellant hereby moves pursuant to Rule 263(b), SCACR, for a 30-day extension of the time in which to serve and file Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal in this case. The grounds for this motion are that there is good cause to grant the requested extension, as the following shows:

1. The deadline for service and filing of Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal was November 12, 2015.
2. The undersigned made a calendaring mistake. Appellant's counsel was a week off, erroneously believing that deadline to be this week instead of last week.
3. This is the second extension that the undersigned has sought in this appeal.
4. Appellant's counsel seeks a 30-day extension of this deadline in order to give him time to complete the brief.
5. Appellant's counsel believes there is good cause to grant the requested extension, for the following reasons:
  - a. The lapse of the deadline was not the result of any delay tactic or tactic at all; rather, it was the product of Appellant's counsel's mistaken reckoning of the deadline.
  - b. There will be no prejudice to the Respondent if this extension is granted, and the Respondent consents to the extension sought.

- c. This is only the second extension of this briefing deadline that has been sought in this appeal. Two 30-day extensions of initial deadlines are routinely granted. To grant the requested extension would be to treat this appeal as most appeals are treated.
  - d. The undersigned planned to seek an extension of this deadline anyway. He has just returned from a vacation (and is thus busier than usual) and needs additional time to prepare the brief.
6. Respondent's counsel consents to this extension, as noted in the email message attached.

WHEREFORE Appellant prays for an Order extending the time in which to serve and file Appellant's Initial Brief and Designation of Matter to be Included in the Record on Appeal by 30 days.

Respectfully submitted,



Andrew S. Radeker  
S.C. Bar No. 73743  
Harrison & Radeker, P.A.  
Post Office Box 50143  
Columbia, South Carolina 29250  
(803) 779-2211  
Attorney for Appellant

November 18, 2015

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Oak Pointe Homeowners' Association, Inc.,.....Respondent,

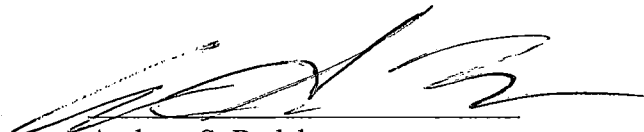
v.

Mackenzie E. Peffley,..... Appellant.

PROOF OF SERVICE

I certify that I served the foregoing motion for extension of time by depositing a copy of it on the date shown below in the United States Mail, postage prepaid, addressed as follows:

Stephanie C. Trotter, Esq.  
Joel M. Deason, Esq.  
McCabe Trotter & Beverly, PC  
P.O. Box 212069  
Columbia, SC 29221



Andrew S. Radeker  
S.C. Bar No. 73743  
Harrison & Radeker, P.A.  
Post Office Box 50143  
Columbia, South Carolina 29250  
(803) 779-2211  
Attorney for Appellant

November 18, 2015

## Drew Radeker

---

**From:** Drew Radeker  
**Sent:** Wednesday, November 18, 2015 12:13 PM  
**To:** 'Stephanie Trotter'; Joel Deason  
**Subject:** RE: Oak Pointe HOA v. Peffley

Thank you so much.

Drew Radeker

### **HARRISON & RADEKER, P.A.**

#### **ATTORNEYS AT LAW**

*Real Estate / Property Disputes · Foreclosure · Media Law · Zoning · Criminal Defense · Appeals  
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923 Calhoun Street, Columbia, South Carolina 29201  
Post Office Box 50143, Columbia, South Carolina 29250  
Telephone: (803) 779-2211  
Facsimile: (803) 779-6700  
<http://www.harrisonfirm.com/>

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---

**From:** Stephanie Trotter [mailto:Stephanie.Trotter@mccabetrotter.com]  
**Sent:** Wednesday, November 18, 2015 12:07 PM  
**To:** Drew Radeker <Drew@harrisonfirm.com>; Joel Deason <Joel.Deason@mccabetrotter.com>  
**Subject:** RE: Oak Pointe HOA v. Peffley

Sure. Happens to the best of us.

---

**From:** Drew Radeker [mailto:Drew@harrisonfirm.com]  
**Sent:** Wednesday, November 18, 2015 12:06 PM  
**To:** Joel Deason; Stephanie Trotter  
**Subject:** Oak Pointe HOA v. Peffley

Stephanie & Joel:

I come to this email with a little egg on my face. I made a calendaring error. The appellant's initial brief and designation were due on the 12<sup>th</sup>, but I thought they were due this week. I need to make a motion for an extension out of time, seeking an additional 30 days. Though that's not much of an excuse, I also can't really see much of anything in the way of prejudice if this motion is granted. There's only been one extension so far in this appeal.

Please let me know whether you consent to such an extension. I appreciate any courtesy you extend in this regard.

Thank you.

Drew Radeker

# HARRISON & RADEKER, P.A.

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LAW OFFICES  
**HARRISON & RADEKER, P.A.**  
923 CALHOUN STREET  
COLUMBIA, SOUTH CAROLINA 29201

James C. Harrison, Jr.\*  
Andrew S. Radeker  
Taylor M. Smith IV

\* Mediator/Arbitrator

P.O. Box 50143  
Columbia, SC 29250

(803) 779-2211  
(803) 779-6700 (FAX)

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SC Court of Appeals

**VIA HAND DELIVERY**

The Hon. Jenny Abbott Kitchings  
Clerk of Court, Court of Appeals of South Carolina  
1220 Senate Street  
Columbia, South Carolina 29201

**Re: Oak Pointe Homeowners' Assn., Inc. v. Mackenzie E. Peffley**  
**Appellate Case No.: 2015-000263**

Dear Ms. Kitchings:

Enclosed herewith for filing in the above-referenced case are an original and seven copies of a motion for extension of time, with attached proof of service thereof. Also enclosed is this firm's check in the amount of \$25.00 as the motion fee.

Kindly file these documents and return a file-stamped copy to this office in the stamped and addressed envelope enclosed. Of course, if you or your staff have any questions or concerns, please do not hesitate to contact me.

With kind regards, I am,

Very truly yours,  
**HARRISON & RADEKER, P.A.**



Andrew S. Radeker

ASR/

Enclosures

cc: Stephanie C. Trotter, Esq.  
Joel M. Deason, Esq.