

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

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APPEAL FROM YORK COUNTY

MAR 09 2016

Court of Common Pleas

SC Court of Appeals

Daniel D. Hall, Circuit Court Judge

S. Jackson Kimball, Special Circuit Court Judge

Case No. 2015-CP-46-002460

Morningstar Fellowship Church,

Appellant/Respondent

v.

York County, South Carolina,

Respondent/Appellant

APPELLANT/RESPONDENT'S AMENDED RETURN TO
RESPONDENT/APPELLANT'S MOTION TO FILE
INITIAL APPEAL BRIEF OUT OF TIME AND FOR EXTENSION OF DEADLINES
TO FILE RESPONDENT'S INITIAL BRIEFS

March 8, 2016

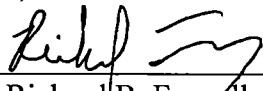
Richard B. Fennell
S.C. Bar No. 10467
James, McElroy & Diehl, P.A.
600 S. College Street
Charlotte, NC 28202
(704) 372-9870
Attorney for Appellant/Respondent

Appellant/Respondent Morningstar Fellowship Church ("Morningstar") respectfully files this Amended Return to Respondent/Appellant York County's Motion to File Initial Appeal Brief Out of Time and for Extension of Deadlines to File Respondent's Initial Briefs (the "Motion") in order to clarify its previous Return, filed with the Court of Appeals on March 4, 2016. Pursuant to Rule 240(e), SCACR (2015), Morningstar objects to the Motion in part and does not consent to all of the relief requested in the Motion. As stated in York County's Motion, Morningstar has consented to an extension of the deadline for York County to file its Initial Response Brief, and objects only to York County's Motion to file its Initial Appeal Brief out of time.

For the foregoing reasons, Respondent/Appellant's Motion should be denied in part.

Dated: March 8, 2016
Charlotte, North Carolina

JAMES, McELROY & DIEHL, P.A.

By: 
Richard B. Fennell
S.C. Bar No. 10467
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PROOF OF SERVICE

I, Richard B. Fennell, certify that I have this day served Appellant/Respondent's Amended Return to Respondent/Appellant's Motion to File Initial Brief Out of Time and for Extension of Deadlines to File Respondent's Initial Briefs upon the Respondent/Appellant by depositing a copy in the United States Mail, postage prepaid, addressed to their attorneys of record, Daniel J. Ballou, Morton & Gettys, LLC, P.O. Box 707, Rock Hill, SC 29731 and W. Keith Martens, Hamilton Martens, LLC, P.O. Box 10940, Rock Hill, SC 29731.

March 8, 2016



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March 8, 2016

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SC Court of Appeals

VIA FEDERAL EXPRESS

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Attn: Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

Re: Morningstar vs. York County, South Carolina
Case No. 2015-CP-46-002460

Dear Sir or Madam:

Enclosed for filing please find one original and three copies of Appellant/Respondent's Amended Return to Respondent/Appellant's Motion to File Initial Appeal Brief Out of Time and for Extension of Deadlines to File Respondent's Initial Briefs in the above-referenced matter.

Thank you for your assistance, and please do not hesitate to contact me with any questions.

Sincerely,

Richard B. Fennell

RBF/csc
Enclosures

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CHRISTI COURTNEY

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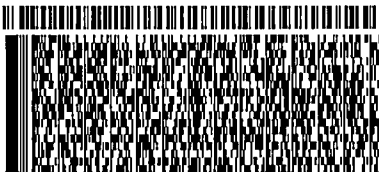
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SOUTH CAROLINA COURT OF APPEALS
1220 SENATE STREET

COLUMBIA SC 29201

(704) 372-9870 REF: M5353-59685
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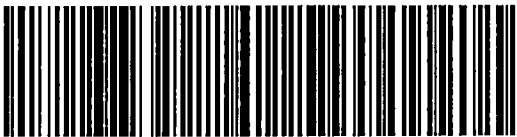


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SC Court of Ap

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