

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

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

Civil Action No. 2007-CP-07-3212  
Appellate Case No.: 2016-001277

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JUL 13 2016

SC Court of Appeals

H. Marshall Hoyler.....Appellant,

v.

The State of South Carolina, Merry Land Properties, LLC,  
Sherbert Living Trust, Supan Living Trust, Elizabeth R. Levin,  
Edward McCray Wise Revoc. Living Trust,  
Carol Ann Devries Wise Revoc. Living Trust,  
Amelie Cromer, Philip Cromer, Robert Chiavello, Tocharoen Living Trust,  
Helen M. Olesak, Lesley Anne Glick a/k/a Lesley Anne Gilck,  
Shirley G. Lackey, Patricia Banfield, Bertrand Cooper, Jr.,  
NHP SH South Carolina I, LLC n/k/a CCP Bayview 7176 LLC,  
Oyster Cove Homeowners Assn., Shirley Ann Moyer,  
Barry D. Malphrus, Garry D. Malphrus, Donnie Malphrus,  
Rita Brown, Houston Family Partnership, Joan Taylor Trustee,  
Michael Bull, Nancy Bull, Marny H. VonHarten, Dianne M. Donaldson,  
Brian R. Evans, Stephen Durbin, Valerie Durbin, Phillip Marti,  
Jane Marti, Michael Woodworth, Georgiana M. Cooke, Daniel B. Walsh,  
Janet E. Walsh.....Respondents.

**APPELLANT'S MOTION FOR AN EXTENSION OF TIME**

Jefferson D. Griffith, III  
Richard L. Whitt  
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508 Hampton Street, Suite 300  
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(803) 251-7442  
**Attorneys for Appellant**

ORIGINAL

**MOTION FOR AN EXTENSION OF TIME TO FILE  
APPELLANT'S INITIAL BRIEF AND DESIGNATION OF MATTER**

Appellant, H. Marshall Hoyler's Initial Brief and Designation of Matter is due to be filed with this Court on Friday, July 15, 2016. Undersigned counsel for Appellant, hereby motions this Court for approval of an extension of time of thirty (30) days to file Appellant's Initial Brief and Designation of Matter, until and including, August 15, 2016. The grounds for this Motion are the filing date in another legal matter occurring near the filing date in this Appeal and the pressure of other legal matters on counsel. Based on the grounds stated hereinabove, counsel will not have sufficient time to complete Appellant, H. Marshall Hoyler's Initial Brief and Designation of Matter, by the present due date. Counsel for Appellant has not previously sought an extension of time in this Appeal. All counsel of record will be served with this Motion.

**CONCLUSION**

Based on the grounds set forth hereinabove, counsel respectfully motions this Court to grant Appellant's Motion for a thirty (30) day extension of time to file the Initial Brief and Designation of Matter, until and including August 15, 2016.

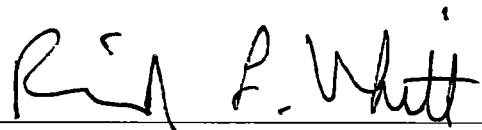
**[Signature Page Follows]**

**Other Counsel of Record:**

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**AUSTIN & ROGERS, P.A.**

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July 13, 2016  
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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Jane Marti, Michael Woodworth, Georgiana M. Cooke, Daniel B. Walsh,  
Janet E. Walsh.....Respondents.

**PROOF OF SERVICE**

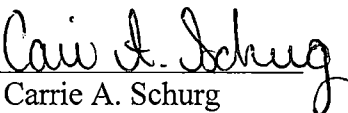
I, Carrie A. Schurg, an employee of Austin & Rogers, P.A., certify that I have caused Appellant's Motion for an Extension of Time, and this Proof of Service, to be served via U.S. Mail, on July 13, 2016, as addressed below.

ORIGINAL

Proof of Service  
July 13, 2016  
Page 2 of 2

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Carrie A. Schurg

July 13, 2016  
Columbia, South Carolina

# Austin & Rogers, P.A.

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\* ALSO ADMITTED IN N.C.

July 13, 2016

**VIA HAND-DELIVERY**

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

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SC Court of Appeals

- Re: ● H. Marshall Hoyler v. The State of South Carolina, *et al.*  
● Appellate Case No.: 2016-001277  
● Motion for Extension of Time

Dear Ms. Kitchings:

Enclosed for filing, please find the following:

1. One original and the required six copies of the Appellant's Motion for an Extension of Time;
2. Proof of Service; and
3. A check in the amount of \$25.00, as required.

Please accept these documents for filing and acknowledge receipt of the same by file-stamping the copies enclosed and returning them to me, via our courier. If you have any questions or need additional information, please don't hesitate to contact the undersigned. With best regards, I am,

Respectfully,

AUSTIN & ROGERS, P.A.



Richard L. Whitt

Jefferson D. Griffith, III

Enclosures

cc: J. Emory Smith, Jr., Esquire  
Mary D. Shahid, Esquire