

80460

RECEIVED
AUG 01 2016
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Mikell R. Scarborough, Master-In-Equity

Case No. 2014-CP-10-7481
Appellate Case No. 2015-002259

Lee & Associates Charleston,
LLC, Respondent,

v.

Chicora Gardens Holdings,
LLC, Chicora Life Center,
LC, and Jeremy Blackburn,

Of whom, Chicora Gardens
Holdings, LLC and Chicora
Life Center, LC are Appellants.

**MOTION TO REINSTATE APPEAL OR, IN THE ALTERNATIVE, TO
CONTINUE TO HOLD THE APPEAL IN ABEYANCE**

Appellants Chicora Gardens Holdings, LLC and Chicora Life Center, LC hereby move for an order reinstating the appeal or, in the alternative, continuing to hold the appeal in abeyance.

By Order issued on or about May 4, 2016, this appeal was remanded to the lower court to effectuate a potential settlement between the parties. The Order also acted to hold the appeal in abeyance for a period of ninety (90) days, in the event the settlement was not effectuated.

Before the settlement was completed, one of the Appellants, Chicora Life Center, LC filed for Chapter 11 bankruptcy, which is currently ongoing. That led to the lower court staying the entire action.

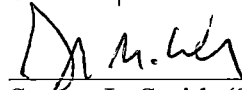
It now appears that the Respondent is moving in bankruptcy court to lift the stay to effectuate a settlement. Meanwhile, there are disputes over the terms of the settlement and the ninety-day abeyance period previously granted to the parties by this Court terminates on August 2, 2016.

Based on these factors, and the Appellants desire to protect its appeal in the event that the

stay is lifted, the Appellant moves to:

- (1) Reinstate the appeal and stay this case at the appellate level, thus having it resume on appeal if and immediately and automatically when the stay is lifted in bankruptcy court;
or
- (2) In the alternative and if this Court determines that the appeal cannot be reinstated due to the fact that this case was stayed at the lower court level upon the filing of bankruptcy by Chicora Life Center, LC, the Appellants move to continue to hold the appeal in abeyance, thus being eligible for reinstatement if and when the stay is lifted.

SMITH | CLOSSER, P.A.



Steven L. Smith (SC Bar No.: 05173)
Samuel M. Wheeler (SC Bar No.: 101008)
7455 Cross County Road, Suite 1
P.O. Box 40578
Charleston, SC 29423-0578
843-760-0220
Attorneys for the Appellants

July 29, 2016

Other Counsel of Record:

Joseph C. Wilson, IV, Esquire
Carl E. Pierce, II, Esquire
321 East Bay St.
Charleston, SC 29401
(843) 722-7733
Attorneys for the Respondent

RECEIVED

AUG 01 2016

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable Mikell R. Scarborough, Master-In-Equity

Case No. 2014-CP-10-7481
Appellate Case No. 2015-002259

Lee & Associates Charleston,
LLC,

Respondent,

v.

Chicora Gardens Holdings,
LLC, Chicora Life Center,
LC, and Jeremy Blackburn,

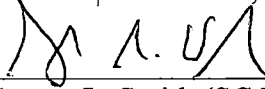
Of whom, Chicora Gardens
Holdings, LLC and Chicora
Life Center, LC are

Appellants.

PROOF OF SERVICE

I certify that on July 29, 2016, I have served the *MOTION TO REINSTATE APPEAL OR, IN THE ALTERNATIVE, TO CONTINUE TO HOLD THE APPEAL IN ABEYANCE* on the Respondent, Lee & Associates Charleston, LLC, by depositing a copy of it in the United States Mail, postage prepaid, addressed to Respondent's attorneys of record, Joseph C. Wilson, IV and Carl E. Pierce, II, 321 East Bay Street, Charleston, South Carolina 29401, P.O. Box 22437, Charleston, SC 29413.

SMITH | CLOSSER, P.A.



Steven L. Smith (SC Bar No.: 05173)

Samuel M. Wheeler (SC Bar No.: 101008)

7455 Cross County Road, Suite 1

P.O. Box 40578

Charleston, SC 29423-0578

843-760-0220

Attorneys for the Appellants

July 29, 2016

Smith | Closser, P.A.

Attorneys at Law
7455 Cross County Road, Suite One
Post Office Box 40578
Charleston, South Carolina 29423-0578

Samuel M. Wheeler
swheeler@scnlaw.com

RECEIVED

AUG 01 2016

SC Court of Appeals

Office - 843-760-0220
Fax - 843-552-2678
www.smithclosser.com

July 29, 2016

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

RE: Lee & Associates Charleston, LLC, Respondent v. Chicora Gardens Holdings, LLC and Chicora Life Center, LC, Appellants
Case No. 2014-CP-10-7481
Appellate Case No. 2015-002259
S/C File No. 15-015

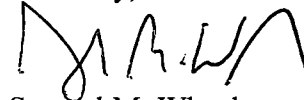
Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of a *MOTION TO REINSTATE APPEAL OR, IN THE ALTERNATIVE, TO CONTINUE TO HOLD THE APPEAL IN ABEYANCE* for the above case. Also enclosed are (1) Proof of Service; and (2) A filing fee of \$25.

Please file the original and return a stamped copy to our office in the enclosed prepaid, self-addressed envelope.

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

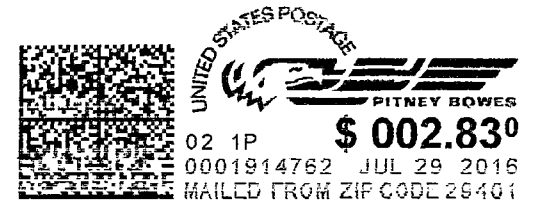
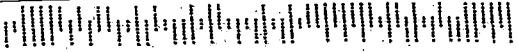
Sincerely,



Samuel M. Wheeler

cc: Joseph C. Wilson, IV, Esquire
Carl E. Pierce, II, Esquire
Attorneys for the Respondent

Smith | Closs
7455 Cross C
P.O. Box 40578
Charleston, SC 29423



RECEIVED
AUG 01 2016
SC Court of Appeals

Honorable Jenny Abbott Kitchings
Clerk, SC Court of Appeals
P. O. Box 11629
Columbia, SC 29211

17