

81777

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

DEC 01 2016

SC Court of Appeals

R. Lawton McIntosh, Circuit Judge

Appellate Case No. 2016-001653

William Rice Cook, III,.....Appellant,

v.

Benny Richard Phillips, Jr., and the real property located at 207 North Avenue,
Anderson, SC 29625 TMS # 123-26-08-02.....Respondents.

MOTION FOR EXTENSION 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

Daniel L. Draisen
S.C. Bar No. 13536
Timothy A. Nowacki
S.C. Bar No. 100967
Krause, Moorhead & Draisen, PA
207 E. Calhoun Street
Anderson, South Carolina 29621
(864) 225-4000

Attorneys 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 is currently December 9, 2016.

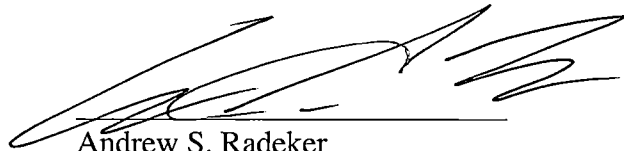
2. This is the first extension that Appellant has sought in this appeal.

3. The undersigned co-counsel for the Appellant, who will be primarily handling this appeal, was just hired in this case today and has not had adequate time to review the entire record, and he will not have adequate time to review the record and draft the Appellant's initial brief between now and the current due date for the same.

4. Appellant's counsel believes there is good cause to grant the requested 30-day extension to January 9, 2017.

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 for thirty 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

Daniel L. Draisen
S.C. Bar No. 13536
Timothy A. Nowacki
S.C. Bar No. 100967
Krause, Moorhead & Draisen, PA
207 E. Calhoun Street
Anderson, South Carolina 29621
(864) 225-4000

Attorneys for Appellant

December 1, 2016

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ANDERSON COUNTY
Court of Common Pleas

R. Lawton McIntosh, Circuit Judge

Appellate Case No. 2016-001653

RECEIVED

DEC 01 2016

SC Court of Appeals

William Rice Cook, III,.....Appellant,

v.

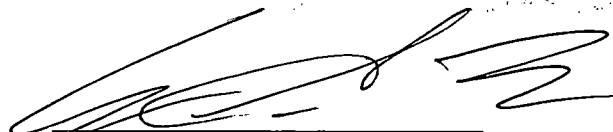
Benny Richard Phillips, Jr., and the real property located at 207 North Avenue,
Anderson, SC 29625 TMS # 123-26-08-02.....Respondents:

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:

Michael F. Mullinax, Esq.
Mullinax Law Firm, P.A.
P.O. Box 2665
Anderson, SC 29622

December 1, 2016



Andrew S. Radeker

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)

December 1, 2016

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: William Rice Cook, III v. Benny Richard Phillips, Jr., et al.
Appellate Case No.: 2016-001653

RECEIVED
DEC 01 2016
SC Court of Appeals

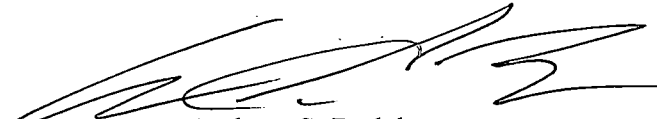
Dear Ms. Kitchings:

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, as well as an original and one copy of a notice of my appearance in this case. 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: Daniel L. Draisen, Esq.
Timothy A. Nowacki, Esq.
Michael F. Mullinax, Esq.

✓