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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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JAN 05 2017

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 Glick,  
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 EXTENSION OF TIME TO FILE  
INITIAL REPLY BRIEFS OF APPELLANT AND DESIGNATION OF MATTER  
IN RESPONSE TO THE INITIAL BRIEFS OF  
RESPONDENT, STATE OF SOUTH CAROLINA AND  
RESPONDENT, MERRY LAND PROPERTIES, LLC**

ORIGINAL

**Other Counsel of Record:**

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## INTRODUCTION

There are two active Respondents in this Appeal, the State of South Carolina and Merry Land Properties, LLC.

Respondent, State of South Carolina.

Respondent, State of South Carolina filed its Initial Brief and Designation of Matter, on December 29, 2016, in compliance with the South Carolina Appellate Court Rules.

Respondent, Merry Land Properties, LLC.

Respondent, Merry Land waited thirty days, until the due date of its required filing of its Initial Brief with this Court, and Respondent, Merry Land then filed a Motion with this Court, seeking an additional thirty days to file its Initial Brief and Designation of Matter. That filing with this Court was made on January 3, 2017, and that Motion is currently pending. Appellant's Motion for a conforming extension of time follows.

### MOTION FOR AN EXTENSION OF TIME TO FILE APPELLANT'S INITIAL REPLY BRIEFS AND DESIGNATION OF MATTER

Respondent, Merry Land's filing of a Motion on **January 3, 2017**, after the Respondent, State of South Carolina's filing of its Initial Brief and Designation of Matter on **December 29, 2016**, means that Appellant, H. Marshall Hoyler, would be forced to file two Reply Briefs, on two different calendar dates and also forced to file two different Designations of Matter, in response to Respondents' Initial Briefs. For example, at present time, Appellant would have to file his Reply Brief and Designation of Matter in response to the December 29, 2016, filing of the Respondent, the State of South Carolina on Monday, **January 9, 2017**. Appellant would then be forced to file a second Reply Brief and Designation of Matter, within ten days on such date as this Court later orders Respondent,

Merry Land to file its Initial Brief and Designation of Matter.

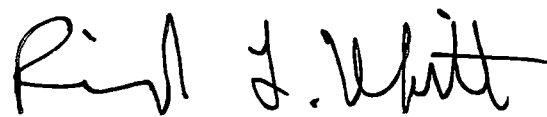
Accordingly, Appellant respectfully requests that this Court grant Appellant an extension of time of ten days after such date that this Court ultimately orders Respondent, Merry Land to file its Initial Brief and Designation of Matter, for Appellant to file Appellant's Reply Briefs and Designation of Matter to **both** Respondents, described above. Appellant notes that Appellant has not previously requested an extension of time from this Court, to make Appellant's filing.

**CONCLUSION**

Based on the grounds set forth hereinabove, counsel respectfully requests that this Court grant Appellant's Motion for a conforming extension of time to file Appellant's Initial Reply Briefs and Designation of Matter, until ten days after such date that this Court ultimately orders Respondent, Merry Land to file its Initial Brief and Designation of Matter.

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

By:



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**Attorneys for Appellant.**

January 5, 2017  
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
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Jane Marti, Michael Woodworth, Georgiana M. Cooke, Daniel B. Walsh,  
Janet E. Walsh.....Respondents.

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**PROOF OF SERVICE**

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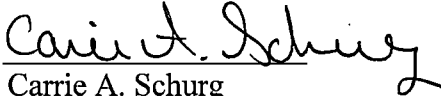
I, Carrie A. Schurg, an employee of Austin & Rogers, P.A., certify that I have caused Appellant's Motion for Extension of Time to File Initial Reply Briefs of Appellant and Designation of Matter in Response to the Initial Briefs of Respondent, State of South Carolina and Respondent, Merry Land Properties, LLC and this Proof of Service, to be served via U.S. Mail, on January 5, 2017, as addressed on the following page.

ORIGINAL

Proof of Service  
January 5, 2017  
Page 2 of 2

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Carrie A. Schurg

January 5, 2017  
Columbia, South Carolina

# Austin & Rogers, P.A.

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\* ALSO ADMITTED IN N.C.

January 5, 2017

**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, representing the appropriate filing fee.

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

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