

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Dorchester County
Court of Common Pleas

Diane Schafer Goodstein, Circuit Court Judge

Appellate Case No. 2015-000599
Unpublished Opinion No. 2016-UP-519

Trial Court Case No. 2012-CP-18-2583

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JAN 06 2017

SC Court of Appeals

Live Oak Village Homeowners Association, Inc.;
Jennifer McFarland; Carlton Holcombe; and Ute Holcombe,

Plaintiffs,

Of whom Live Oak Village Homeowners Association, Inc.;
Jennifer McFarland; and Carlton Holcombe are

Appellants,

v.

Thomas Morris; David Hannemann; Sofia Mazell; and Michael Mazell,

Respondents.

Sofia Mazell and Michael Mazell,

Third-Party Plaintiffs,

v.

William McFarland,

Third-Party Defendant.

APPELLANTS' MOTION FOR EXTENSION OF TIME TO PETITION FOR REHEARING

YOUNG CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
Russell G. Hines (SC Bar No. 72100)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 720-5488

Counsel for Appellants

COME NOW Appellants Live Oak Village Homeowners Association, Inc.; Jennifer McFarland; and Carlton Holcombe (collectively "Appellants"), by and through their undersigned counsel, pursuant to Rule 263(b), SCACR, and, on the grounds set forth below, hereby move this Honorable Court for an extension of fifteen (15) days' time to petition for rehearing of this matter, which the Court decided via Unpublished Opinion No. 2016-UP-519 filed Wednesday, December 21, 2016.

1. Rule 221(a), SCACR, provides, "Petitions for rehearing must be actually received by the appellate court no later than fifteen (15) days after the filing of the opinion, order, judgment, or decree of the court." Based on the December 21st filing of the Court's opinion in this case, the present deadline for Appellants to petition for rehearing is the close of business tomorrow, Thursday, January 5, 2017, i.e., the 15th day after the filing of the opinion, as computed under Rule 263(a), SCACR.

2. On account of other time commitments, both work- and non-work-related, including especially those associated with the recent holiday season, the undersigned requests an extension of fifteen (15) days' time for Appellants to petition for rehearing.

3. The undersigned submits that, under the circumstances, there exists good cause for the Court to grant the relief requested herein, such relief

constituting a reasonable dispensation, timely sought and consistent with the interests of justice, posing no threat of undue prejudice to any other party.

WHEREFORE, Appellants request that the Court grant them an extension of 15 days' time (from Thursday, January 5, 2017) to petition for rehearing; by the undersigned's calculations, if this request is granted, the new deadline for the Court's actual receipt of Appellants' petition for rehearing would be Friday, January 20, 2017. ADDITIONALLY, Appellants request that the Court hold this matter in abeyance (and not send down the remittitur) while the present motion is pending.

Respectfully submitted,
YOUNG CLEMENT RIVERS, LLP

By: 

Stephen L. Brown (SC Bar No. 66468)
Russell G. Hines (SC Bar No. 72100)
25 Calhoun Street, Suite 400
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P.O. Box 993 (29402)
(843) 720-5488

Counsel for Appellants

Charleston, South Carolina

Dated: 1/4/17

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Third-Party Defendant.

PROOF OF SERVICE

YOUNG CLEMENT RIVERS, LLP
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Counsel for Appellants

I, Russell G. Hines, of Young Clement Rivers, LLP, counsel for Appellants above named, hereby certify that the **APPELLANTS' MOTION FOR EXTENSION OF TIME TO PETITION FOR REHEARING** was served on all other parties to this matter by depositing a copy of same in the U.S. Mail on January 4, 2017, properly posted for delivery to the following addressees:

Graham P. Powell, Esquire
William W. Watkins, Jr., Esquire
Katherine A. Stanton, Esquire
Wall Templeton & Haldrup, P.A.
P.O. Box 1200
Charleston, SC 29402

and

Lydia P. Davidson, Esquire
Krawcheck & Davidson, LLC
9 State Street
Charleston, SC 29401

Counsel for Thomas Morris and David Hannemann

William B. Jung, Esquire
William B. Jung, Esq., LLC
1156 Bowman Road, Suite 200
Mount Pleasant, SC 29464

Counsel for Sofia Mazell and Michael Mazell

Respectfully submitted,
YOUNG CLEMENT RIVERS, LLP

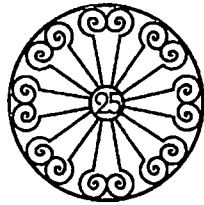
By: 

Russell G. Hines (SC Bar No. 72100)

Counsel for Appellants

Charleston, South Carolina

Dated: 1/4/17



YCR LAW

Kathleen B. Barnes
Secretary

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January 4, 2017

VIA FACSIMILE, US MAIL AND EMAIL

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

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SC Court of Appeals

Re: Live Oak Village Homeowners Association, Inc., Jennifer McFarland and Carlton Holcombe v. Thomas Morris, David Hanneman, Sofia Mazell and Michael Mazell
Appellate Case No. 2015-000599
Case No.: 2012-CP-18-02583
YCR File: 15508-20150492

Dear Ms. Kitchings:

Enclosed for filing in the above-referenced matter, please find the original and seven (7) copies of **Appellants' Motion for Extension of Time to Petition for Rehearing** and the original and one (1) copy of a **Proof of Service** regarding the same. Also enclosed is a firm check in the amount of \$25.00 to cover the cost associated with this request.

Kindly file the original and return one court-stamped copy of each document to me using the pre-stamped envelope provided. Thank you for your assistance with this matter. With best wishes and kindest regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP

Kathleen B. Barnes
Secretary

Enclosures

(all via US Mail and email)

cc: Graham P. Powell, Esquire, Wall Templeton & Haldrup, P.A.
William "Trey" W. Watkins, Jr., Esquire, Wall Templeton & Haldrup, P.A.
Katherine A. Stanton, Esquire, Wall Templeton & Haldrup, P.A.
Lydia P. Davidson, Esquire, Krawcheck & Davidson, L.L.C.
William B. Jung, Esquire, William B. Jung, Esq., LLC

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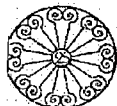
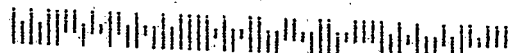
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