

YCR LAW

Kathleen B. Barnes
Secretary

Direct Dial: (843) 720-5488
Direct Fax: (843) 579-1369
E-mail: kbarnes@ycrlaw.com

January 19, 2017

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SC Court of Appeals

VIA FASCIMILE, US MAIL AND FEDEX OVERNIGHT

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

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' Consent Motion for Second 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

**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Unpublished Opinion No. 2016-UP-519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

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' CONSENT MOTION
FOR SECOND 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

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COME NOW Appellants Live Oak Village Homeowners Association, Inc.; Jennifer McFarland; and Carlton Holcombe (collectively “Appellants”), by and through their undersigned counsel, *with the consent of all Respondents*, and, pursuant to Rule 263(b), SCACR, on the grounds set forth below, hereby move this Honorable Court for a second 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 default deadline for Appellants to petition for rehearing was the close of business Thursday, January 5, 2017, i.e., the 15th day after the filing of the opinion, as computed under Rule 263(a), SCACR.

2. By motion dated January 4, 2017,¹ Appellants asked for an extension of fifteen (15) days’ time (from Thursday, January 5, 2017) to petition for rehearing, i.e., an extension until tomorrow, Friday, January 20, 2017. The Court

¹ On that date, the motion was served on counsel for all Respondents via mail and also sent to them via email; it went to the Court via fax, mail, and FedEx (for next-day delivery). Though Appellants’ counsel does not yet have a “received” stamped copy back from the Court, FedEx’s tracking information shows that the Court received the motion on the morning of January 5, 2017.

has not ruled on this motion—or at least Appellants are unaware of a ruling.

3. On account of other time commitments, both work- and non-work-related, the undersigned again requests an extension of fifteen (15) days' time (this time from Friday, January 20, 2017) for Appellants to petition for rehearing.

4. 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.

5. *Indeed, prior to making this motion, the undersigned consulted with counsel for all Respondents (specifically, Graham P. Powell, Esquire, counsel for Respondents Thomas Morris and David Hannemann, and William B. Jung, Esquire, counsel Respondents Sofia Mazell and Michael Mazell) and they kindly authorized the undersigned to represent to the Court that they consent/have no objection to this motion.*

WHEREFORE, Appellants request that the Court grant them a second extension of 15 days' time (from Thursday, January 20, 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 Monday, February 6, 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 V. 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

Charleston, South Carolina

Dated: 1/19/17

**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
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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.;
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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.

PROOF OF SERVICE

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

I, Russell G. Hines, of Young Clement Rivers, LLP, counsel for Appellants above named, hereby certify that the **APPELLANTS' CONSENT MOTION FOR SECOND 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 19, 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

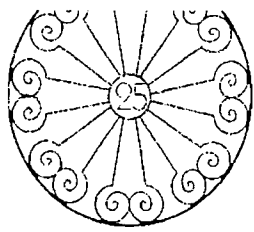
By: 

Russell G. Hines (SC Bar No. 72100)

Counsel for Appellants

Charleston, South Carolina

Dated: 1/19/17



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THE FOLLOWING PAGES ARE FOR IMMEDIATE DELIVERY

To: 18037341839
From: kbarnes@ycrlaw.com
Date: January 19, 01:53:46 PM EST
Subj: Live Oak v. Morris, et al; Case No.: 2015-000599
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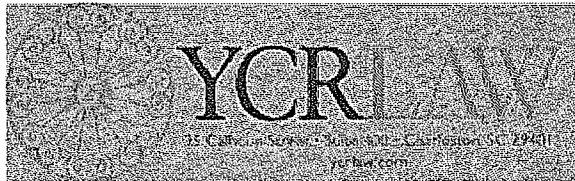
SC Court of Appeals

Dear Ms. Kitchings,

Attached please find correspondence in the above-referenced matter with regard to a continuance request. The originals, copies and check is being sent via FedEx Overnight and a copy will follow via US Mail. Please do not hesitate to let us know if you need anything further.

Thank you!

Katy B. Barnes
Commercial Litigation Secretary
Stephen L. Brown, Russell G. Hines & Joanna B. Stroud
Young Clement Rivers, L.L.P.
25 Calhoun Street, Suite 400
Charleston, SC 29401
Telephone: (843) 724-6610
Facsimile: (843) 579-1369



Charleston Office
25 Calhoun Street, Suite 400 * Charleston, SC 29401
P.O. Box 993 * Charleston, SC 29402-0993

TELEPHONE: (843) 577-4000