

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

FEB 13 2017

Marvin H. Dukes, III, Master-In-Equity

SC Court of Appeals

Civil Action No. 2007-CP-07-3212

Appellate Case No.: 2016-001277

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 BRIEF OF APPELLANT AND DESIGNATION OF MATTER IN
RESPONSE TO THE INITIAL BRIEF
OF RESPONDENT, MERRY LAND PROPERTIES, LLC**

ORIGINAL

Other Counsel of Record:

J. Emory Smith, Jr., Esquire
S.C. Attorney General's Office
1000 Assembly Street
Columbia, South Carolina 29201

Mary D. Shahid, Esquire
Nexsen Pruet
P.O. Box 486
Charleston, South Carolina 29402

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. This Court by its Order filed January 26, 2017, granted Appellant an extension of time to file his Initial Reply Brief until February 13, 2017, which filing is being made on today's date.

Respondent, Merry Land Properties, LLC.

Respondent, Merry Land 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 was granted by this Court on January 9, 2017, giving Respondent Merry Land until February 2, 2017, to file its Initial Brief and Designation of Matter. Appellant's Initial Reply Brief to Respondent, Merry Land's Initial Brief would have been due on February 13, 2017. Appellant's Motion for an extension of time to Reply to Merry Land Properties, LLC's Initial Brief follows.

MOTION FOR AN EXTENSION OF TIME TO FILE
APPELLANT'S INITIAL REPLY BRIEF TO RESPONDENT, MERRY LAND
PROPERTIES, LLC'S INITIAL BRIEF AND DESIGNATION OF MATTER

On February 2, 2017, Respondent, Merry Land Properties, LLC, filed and served a forty (40) page Initial Brief. Appellant has diligently worked on and is filing its Initial Reply to the State of South Carolina's Initial Brief, which was also due on February 13, 2017. However, due to Appellant's counsel's work on its Initial Reply Brief to the Respondent, State of South Carolina's Initial Brief and the length and complexity of Respondent, Merry Land Properties, LLC's Initial Brief, Appellant needs additional time to respond adequately to Respondent, Merry Land Properties, LLC's Initial Brief.

Accordingly, Appellant respectfully requests that this Court grant Appellant an extension of time of ten (10) days to Reply to Respondent Merry Land Properties, LLC's Initial Brief. Appellant notes that Appellant has not previously requested an extension of time from this Court, to make Appellant's Initial Reply to Respondent, Merry Land Properties, LLC's Initial Brief. .

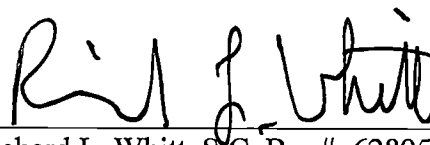
CONCLUSION

Based on the grounds set forth hereinabove, counsel respectfully requests that this Court grant Appellant's Motion for a ten (10) day extension up to and including February 23, 2017, to respond to Merry Land Properties, LLC's Initial Brief.

[Signature Page Follows]

AUSTIN & ROGERS, P.A.

By:



Richard L. Whitt, S.C. Bar #: 62895,
Jefferson D. Griffith, III,
508 Hampton Street, Suite 300
P.O. Box 15907
Columbia, South Carolina 29211
Phone: (803) 256-4000
Fax: (803) 252-3679
Attorneys for Appellant.

February 13, 2017
Columbia, South Carolina

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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Marvin H. Dukes, III, Master-In-Equity

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PROOF OF SERVICE

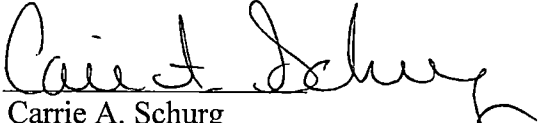
I, Carrie A. Schurg, an employee of Austin & Rogers, P.A., certify that I have caused Appellant's Motion for Extension of Time to File Initial Reply Brief of Appellant and Designation of Matter in Response to the Initial Brief of Respondent, Merry Land Properties, LLC and this Proof of Service, to be served via U.S. Mail, on February 13, 2017, as addressed on the following page.

ORIGINAL

Proof of Service
February 13, 2017
Page 2 of 2

J. Emory Smith, Jr., Esquire
S.C. Attorney General's Office
P.O. Box 11549
Columbia, South Carolina 29211

Mary D. Shahid, Esquire
Nexsen Pruet
P.O. Box 486
Charleston, South Carolina 29402


Carrie A. Schurg

February 13, 2017
Columbia, South Carolina

Austin & Rogers, P.A.

ATTORNEYS AND COUNSELORS AT LAW

WILLIAM FREDERICK AUSTIN
(1930-2016)

TIMOTHY F. ROGERS
RAYMON E. LARK, JR.
RICHARD L. WHITT
EDWARD L. EUBANKS
W. MICHAEL DUNCAN*

COLUMBIA OFFICE
CONGAREE BUILDING
508 HAMPTON STREET, SUITE 300
POST OFFICE BOX 11716 (29211)
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 256-4000
FACSIMILE: (803) 252-3679
WWW.AUSTINROGERSPA.COM

OF COUNSEL:
JEFFERSON D. GRIFFITH, III

* ALSO ADMITTED IN N.C.

February 13, 2017

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SC Court of Appeals

VIA HAND-DELIVERY

The Honorable Jenny Abbott Kitchings,
Clerk of Court, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

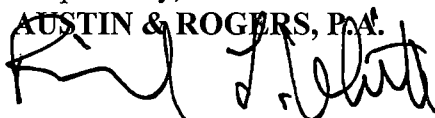
- Re: ● H. Marshall Hoyler v. The State of South Carolina, *et al.*
● **Appellate Case No.: 2016-001277**
● Motion for Extension of Time

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

ORIGINAL J