

82954

IN 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

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APR 03 2017

SC Court of Appeals

William Rice Cook, III ..... Appellant

v.

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

MOTION FOR EXTENSION OF TIME TO SERVE AND FILE  
RESPONDENT'S INITIAL BRIEF AND  
DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL

Michael F. Mullinax  
S.C. Bar No. 4133  
Mullinax Law Firm, P.A.  
Post Office Box 2665  
Anderson, SC 29622  
(864) 261-6242

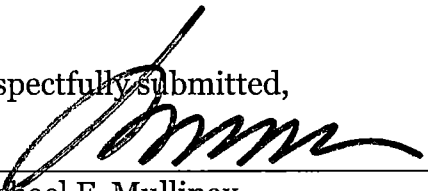
ATTORNEY FOR THE RESPONDENT

The Respondent hereby moves, pursuant to Rule 263(b), SCACR, for a thirty-day extension of time in which to serve and file Respondent'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 Respondent's Initial Brief and Designation of Matter to be Included in the Record on Appeal is currently April 9, 2017.
2. Respondent's Counsel is a sole practitioner and currently has numerous other matters pending in various Courts that require his time and attention.
3. Opposing Counsel has consented to the requested extension, as the attached email exchange shows.
4. Respondent's Counsel believes there is good cause to grant the requested thirty-day extension of time until May 9, 2017.

WHEREFORE, Respondent prays for an Order extending the time in which to serve and file Respondent's Initial Brief and Designation of Matter to Be Included in the Record on Appeal, for thirty days.

Respectfully submitted,



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Michael F. Mullinax  
S.C. Bar No. 4133  
Mullinax Law Firm, P.A.  
Post Office Box 2665  
Anderson, SC 29622  
(864) 261-6242

March 31, 2017

Attorney for the Respondent

## Michael Mullinax

---

**From:** Drew Radeker <Drew@harrisonfirm.com>  
**Sent:** Thursday, March 30, 2017 12:33 PM  
**To:** Michael Mullinax  
**Cc:** Daniel Draisen (ddraisen@kmdlawyers.com)  
**Subject:** RE: Cook v. Phillips appeal

I consent. I was out of the office all day yesterday and must not have seen the email.

Thanks.

Drew Radeker

### **HARRISON & RADEKER, P.A.**

ATTORNEYS AT LAW

*Real Estate / Property Disputes · Foreclosure · Media Law · Zoning · Criminal Defense · Appeals  
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**From:** Michael Mullinax [mailto:mikemullinax@charter.net]  
**Sent:** Thursday, March 30, 2017 12:31 PM  
**To:** Drew Radeker <Drew@harrisonfirm.com>  
**Subject:** FW: Cook v. Phillips appeal

Just following up on my email yesterday. Please confirm so I can file with the CT APP Court

*Michael F. Mullinax*

Mullinax Law Firm, P.A.  
Post Office Box 2665  
Anderson, SC 29622  
P: (864) 261-6242  
F: (864) 261-6680  
[mikemullinax@charter.net](mailto:mikemullinax@charter.net)

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IN THE STATE OF SOUTH CAROLINA  
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PROOF OF SERVICE

I certify that I have served the Motion for Extension of Time to Serve and File Respondent's Initial Brief and Designation of Matter to be Included on the Record on Appeal on the Attorneys for the Appellant, by United States Mail, postage prepaid, addressed as follows:

Andrew S. Radeker  
Harrison & Radeker, P.A.  
Post Office Box 50143  
Columbia, SC 29250

Daniel L. Draisen  
Krause, Moorhead & Draisen, P.A.  
207 E. Calhoun Street  
Anderson, SC 29621

March 31, 2017

  
Michael F. Mullinax (S.C. Bar No. 4133)  
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Post Office Box 2665  
Anderson, South Carolina 29621  
(864) 261-6242  
(864) 261-6680 (fax)  
Attorney for the Respondent

# MULLINAX LAW FIRM, P.A.

MICHAEL F. MULLINAX, Attorney and Counselor at Law

Phone: (864) 261-6242  
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Anderson, South Carolina 29622

mikemullinax@charter.net  
www.mullinaxlaw.com

March 31, 2017

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

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**SC Court of Appeals**

Re: William Rice Cook, III v. Benny Richard Phillips, Jr.  
and the real estate property located at 207 North Avenue,  
Anderson, SC 29625, TMS #123-26-08-02  
Appellate Case No.: 2016-001653

Dear Ms. Kitchings:

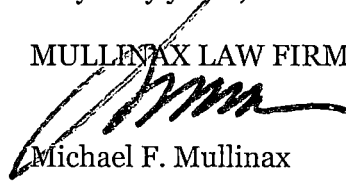
Enclosed for filing, please find the original and seven copies of Respondent's Motion for Extension of Time to Serve and File Initial Brief and Designation of Matter to Be Included in the Record, with attached Proof of Service, in regard to the above matter. Also enclosed is my firm's check in the amount of \$25.00 as the Motion fee.

I would appreciate your returning a clocked copy of this document to me in the enclosed, self-addressed, stamped envelope I have provided.

With kindest regards, I am

Very truly yours,

MULLINAX LAW FIRM, P.A.

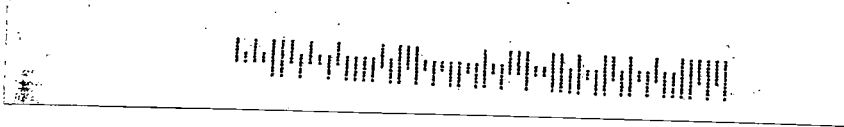
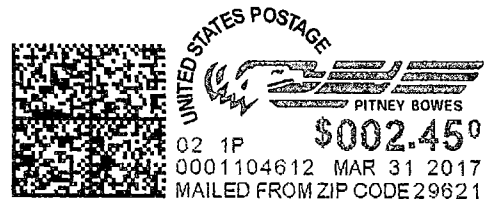
  
Michael F. Mullinax

MFM/lcm

Enclosures

cc: Mr. Andrew S. Radeker  
Mr. Daniel L. Draisen

J



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**SC Court of Appeals**

**MICHAEL F. MULLINAX**  
**MULLINAX LAW FIRM, P.A.**  
P.O. BOX 2665  
ANDERSON, SOUTH CAROLINA 29622

**To** The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, S.C. 29211