

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

Appeal from Horry County
Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Case No. 2011-CP-26-08314

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SC Court of Appeals

Chester S. Hejna and Mary Ann Henja, Individually and
Representing as a class, All Unit Owners of Magnolia
North Horizontal Regime as that class is defined below,

Respondents,

v.

Heritage Communities, Inc., Heritage Magnolia North, Inc.
and Buildstar Corporation,

Appellants.

**MOTION FOR EXTENSION OF TIME TO
FILE / SERVE RECORD ON APPEAL**

YOUNG CLEMENT RIVERS LLP
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Attorneys for Appellants

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS

COME NOW Appellants Heritage Communities, Inc., Heritage Magnolia North, Inc., and Buildstar Corporation by and through their undersigned counsel; pursuant to Rule 263(b), SCACR; and, on the grounds stated below, hereby move this Honorable Court for an extension of time (until May 19, 2017) to file and serve the record on appeal in this matter, or alternatively, to file a stipulation of dismissal of appeal provided Circuit Court approves the pending settlement.

By order dated March 7, 2017, the present deadline for the record on appeal is today, April 3, 2017. The parties to the above-referenced matter have recently reached a settlement. Due to the class-action, the settlement requires approval from Circuit Court. Judge Culbertson has tentatively agreed to hear the motion to approve settlement on or about May 15-17, 2017. As such, we ask for an extension of the current deadline until May 19, 2017 to file/serve the record on appeal, or alternatively, to file a stipulation of dismissal of appeal once the settlement is approved.

The undersigned submits that this request is founded upon good cause, is consistent with the interests of justice, and will not work any undue prejudice upon Respondents.

WHEREFORE, Appellants respectfully request that this Honorable Court grant them an extension of forty-six (46) days' time, running from the present April 3, 2017, deadline, i.e., an extension through Friday, May 19, 2017, to file and serve the record on appeal in this matter or alternatively to file a stipulation of dismissal of appeal. Further, Appellants respectfully request that the Court hold in abeyance Appellants' present deadline for serving the record on appeal until the Court acts on the instant motion.

[Signature on next page]

Respectfully Submitted,

YOUNG CLEMENT RIVERS LLP

By: 

Stephen L. Brown

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Attorneys for the Appellants

Charleston, South Carolina

Dated: April 03, 2017

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R. Lawton McIntosh, Circuit Court Judge

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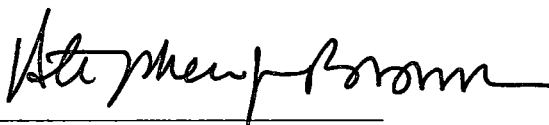
PROOF OF SERVICE

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mwillis@ycrlaw.com
Attorneys for Appellants

I, Stephen L. Brown, of Young Clement Rivers, LLP, counsel for the Appellants above-named, do hereby certify that I have served the **Motion for Extension of Time to File / Serve Record on Appeal** on the above-named Respondents by depositing a copy of the same in the United States Mail, postage prepaid, on April 3, 2017, addressed as follows to all counsel of record:

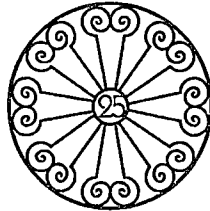
Philip C. Thompson, Esquire
John P. Henry, Esquire
Thompson & Henry, PA
P.O. Box 1740
Conway, SC 29528-1740

YOUNG CLEMENT RIVERS, LLP

By: 
Stephen L. Brown

Charleston, South Carolina

Dated: April 03, 2017



YCR LAW

Kathleen B. Barnes
Secretary

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April 3, 2017

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: Chester S. Hejna and Mary Ann Henja, Individually and Representing as a Class,
All Unit Owners of Magnolia North Horizontal Regime as That Class is Defined
Below, v. Heritage Communities, Inc., Heritage Magnolia North, Inc. and
Buildstar Corporation
Case No.: 2011-CP-26-8314
Claim No.: H0465752001
YCR File: 1952-20061504

Dear Ms. Kitchings:

Enclosed please find the original and seven (7) copies of the Motion for Extension of Time to File/Serve Record on Appeal and the original and one (1) copy of the Proof of Service for the same. I am also enclosing our firm's check in the amount of \$25.00. Please file the originals and return a court-stamped copy of each document to me in the enclosed envelope.

With best wishes and kindest regards, I am

Sincerely,

YOUNG CLEMENT RIVERS, LLP

Kathleen B. Barnes
Secretary

Enclosures

Cc: Philip C. Thompson, Esquire, Thompson & Henry, P.A. (via US Mail and email)
John P. Henry, Esquire, Thompson & Henry, P.A. (via US Mail and email)

J

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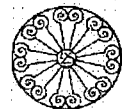
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SC Court of Appeals



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