

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

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

Civil Action No. 2007-CP-07-3212
Appellate Case No.: 2016-001277

RECEIVED

APR 17 2017

SC Court of Appeals

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
FINAL BRIEF, FINAL REPLY BRIEFS AND RECORD ON APPEAL**

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Attorneys for Appellant.

ORIGINAL

Other Counsel of Record:

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P.O. Box 486
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MOTION FOR AN EXTENSION OF TIME
TO FILE APPELLANT'S
FINAL BRIEF, FINAL REPLY BRIEFS AND RECORD ON APPEAL

Appellant, H. Marshall Hoyler's Final Brief, Final Reply Brief to the Respondent, State of South Carolina, Final Reply Brief to Respondent, Merry Land Properties, LLC, and the Record on Appeal in this matter, are due to be filed with this Court today, April 17, 2017. Undersigned counsel for Appellant, hereby motions this Court for approval of an extension of time of ten (10) days to file Appellant's Final Brief, Final Reply Brief to the Respondent, State of South Carolina, Final Reply Brief to Respondent, Merry Land Properties, LLC, and the Record on Appeal, until and including, Wednesday, April 26, 2017.

The grounds for this Motion are:

- The number of pages to be copied for Appellant's three Briefs total 90 pages, times the required 15 copies of the Briefs = 1,350 pages;
- The number of pages to be copied for the Record on Appeal total 731 pages, times the required 15 copies of the Record on Appeal = 10,965 pages;
- Making the pages to be copied total **12,315**, and placed into bound volumes;
- The tremendous amount of copies required to be placed in volumes, could not be completed by the present due date of this Court; and
- Because the other parties were previously provided with Records on Appeal, consistent with the Rules of this Court, no other party will be inconvenienced by Appellant's request.

Based on the grounds stated hereinabove, counsel will not have sufficient time to complete Appellant, H. Marshall Hoyler's three Briefs and the Record on Appeal, by the present due date. Counsel for Appellant has not previously sought an extension of time to file the three Final Briefs and the Record on Appeal. All counsel of record will be served with this Motion.

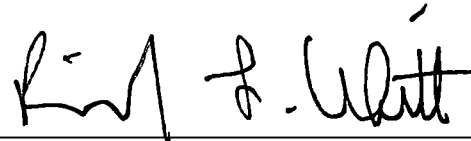
Accordingly, Appellant respectfully requests that this Court grant Appellant an extension of time of ten (10) days to file the denominated documents.

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, Wednesday, April 26, 2017, to file the denominated documents.

AUSTIN & ROGERS, P.A.

By:



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April 17, 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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Janet E. Walsh.....Respondents.

PROOF OF SERVICE

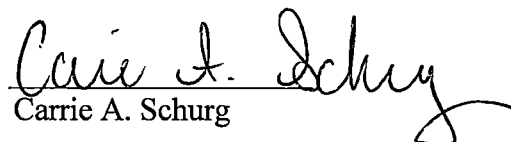
I, Carrie A. Schurg, an employee of Austin & Rogers, P.A., certify that I have caused Appellant's Motion for Extension of Time and this Proof of Service, to be served via U.S. Mail, on April 17, 2017, as addressed on the following page.

ORIGINAL

Proof of Service
April 17, 2017
Page 2 of 2

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Carrie A. Schurg

April 17, 2017
Columbia, South Carolina

Austin & Rogers, P.A.

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April 17, 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,
Attorneys for Appellant.

Enclosures

cc: J. Emory Smith, Jr., Esquire
Mary D. Shahid, Esquire

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