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THE STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM YORK COUNTY
Court of Common Pleas
The Honorable S. Jackson Kimball, Special Circuit Court Judge

RECEIVED
AUG 18 2017
SC Court of Appeals

Case No.: 2016-CP-46-01001
Appellate Case No.: 2017-000600

Alfred and Mary Jenkins. Respondents,

v.

Ferrara-Buist Company, LLC, d/b/a Custom Crafted Homes Appellant.

MOTION FOR SUBSTITUTION
OF RESPONDENTS' COUNSEL
AND FOR EXTENSION OF TIME

Respondents move for an order substituting Brian S. McCoy for Herbert W. Hamilton and W. Keith Martens as Counsel for Respondents in this matter, and for an extension of time through October 2, 2017 to file and serve Respondents' initial brief. In support of this Motion, Respondents would show as follows:

1. Herbert W. Hamilton, of Hamilton Martens, LLC, has represented Respondents in proceedings before the circuit court and, to date, throughout this appeal. While W. Keith Martens appears on some pleadings, he has had little substantive involvement in this case;
2. Mr. Hamilton suffers from a progressive neurological disease. Unfortunately, that disease has progressed to a point where Mr. Hamilton recently was required to retire from his law firm under a medical disability. Mr. Hamilton's medical disability and retirement also make it necessary for him to withdraw as Counsel for Respondents in this appeal;

3. Mr. Hamilton's retirement from Hamilton Martens, LLC has caused a dramatic increase of the case load of remaining members of that firm, including the case load of W. Keith Martens. Mr. Martens' obligations to his other clients make it impractical for him to assume representation of Respondents;

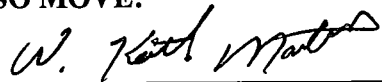
4. To ensure that Respondents receive timely, and appropriate, representation on appeal it is necessary for Hamilton Martens, LLC to withdraw and for Respondents to retain substitute counsel;

5. Brian S. McCoy of McCoy Law Firm, LLC has agreed to assume representation of Respondents in this matter. Mr. McCoy requests an extension through October 2, 2017 to file and serve Respondents' initial brief;

6. After consultation, Respondents have consented to substitution of Brian S. McCoy as their attorney for this matter.

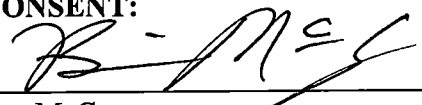
WHEREFORE, Respondents move for an order substituting Brian S. McCoy for Herbert W. Hamilton and W. Keith Martens as Respondents' Counsel for the remainder of this appeal. Respondents also move for an extension through October 2, 2017 to file and serve Respondents' initial brief.

I SO MOVE:



W. Keith Martens
HAMILTON MARTENS, LLC
241 Oakland Avenue
Rock Hill, South Carolina 29730
803-329-7672
keith.martens@hamiltonmartens.com

I CONSENT:



Brian McCoy
McCOY LAW FIRM, LLC
378 E. Main Street
Rock Hill, South Carolina 29730
803-366-2280
bmccoy@mccoylawfirm.com

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Appellate Case No.: 2017-000600

Alfred and Mary Jenkins. Respondents,

v.

Ferrara-Buist Company, LLC, d/b/a Custom Crafted Homes Appellant.

CERTIFICATE OF SERVICE

The undersigned, an employee of Hamilton Martens, LLC certifies that Respondent's Motion for Substitution of Counsel and for additional Extension of Time to Prepare and Serve their Initial Brief and Designation of Matter was served upon the Appellant by depositing same in the United States Mail, with sufficient postage affixed and addressed as follows:

Paul B. Ferrara, III
Ferrara Law Firm, PLLC
2300 Otranto Road
North Charleston, SC 29406

This the 16th day of August, 2017.



L. Melia Sweatt



HAMILTON
MARTENS
ATTORNEYS AT LAW

L. Melia Sweatt
Paralegal
803-329-7702
melia.sweatt@hamiltonmartens.com

August 15, 2017

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

RECEIVED

RE: *Alfred and Mary Jenkins vs. Ferrara-Buist Company, LLC,*
d/b/a Custom Crafted Homes
Appellate Case No.: 2016-02317

AUG 18 2017

SC Court of Appeals

Dear Ms. Kitchings:

I have enclosed the original and seven (7) copies of Motion to Substitute Counsel and for Extension of Time in the above-named matter. Please file the original and return a clocked copy of the same to me in the envelope that I have provided. I have also enclosed my firm's check in the amount of \$25.00 for the filing fee.

By copy of this letter, I am serving the Motion to Substitute Counsel and For Extension of Time upon other counsel of record as evidenced by the enclosed Proof of Service.

Thank you for your assistance in this matter.

Sincerely,

L. Melia Sweatt
Paralegal for the Firm

/lms

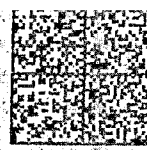
Enclosure

cc: Paul B. Ferrara, III
Ferrara Law Firm, PLLC
2300 Otranto Road
North Charleston, SC 29406
Attorney for Appellants

Hamilton Martens, LLC*

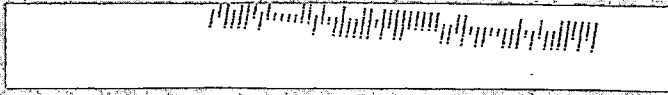
241 Oakland Avenue (29730) • Post Office Box 10940 (29731) • Rock Hill, South Carolina
Phone: 803.329.7672 • Facsimile: 803.329.7678 • www.hamiltonmartens.com

*Herbert W. Hamilton, Retired



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241 Oakland Avenue, Rock Hill, SC 29730
 Post Office Box 10940, Rock Hill, SC 29731

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The Honorable Jenny Abbott Kitching
 Clerk of Court of Appeals
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