

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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SEP 25 2017

APPEAL FROM HORRY COUNTY
Court of Common Pleas

S.C. SUPREME COURT

Edward B. Cottingham, Circuit Court Judge

Case No. 2010-CP-26-07961

Appellate Case No. 2016-000594

South Carolina Department of Transportation.....*Respondent,*

v.

David Franklin Powell.....*Petitioner.*

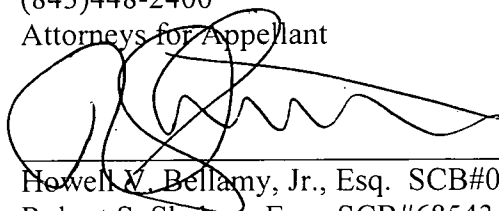
NOTICE OF PETITION AND PETITION FOR EXTENSION

Appellant hereby requests a ²⁰thirty (30) day extension of time to file the Appellant's Initial Brief and Appendix for good cause shown. Opposing counsel does not oppose the motion.

The Brief and Appendix are due September 29, 2017 and if this request is granted, the Brief and Appendix will be due on October 29, 2017. Appellant submits that this Petition is not intended for purposes of delay. 19

Respectfully submitted,

BELLAMY, RUTENBERG, COPELAND,
EPPS, GRAVELY & BOWERS, P.A.
P.O. Box 357
Myrtle Beach, SC 29578
(843)448-2400
Attorneys for Appellant



Howell V. Bellamy, Jr., Esq. SCB#00642
Robert S. Shelton, Esq. SCB#68543

Myrtle Beach, South Carolina

Dated: September 22, 2017

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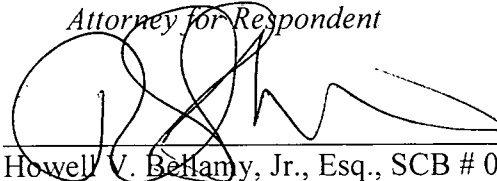
David Franklin Powell.....*Petitioner.*

PROOF OF SERVICE

I certify that I have served the **Notice of Petition and Petition for Extension** in the above-captioned matter on the following individuals by depositing a copy in the United States Mail, with sufficient first-class postage affixed, addressed as follows:

John B. McCutcheon, Esq.
Thompson & Henry, P.A.
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Conway, SC 29528
Attorney for Respondent

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South Carolina Department of Transportation
P.O. Box 91
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Attorney for Respondent



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Attorneys for Petitioner

Myrtle Beach, South Carolina
September 22, 2017

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+ CERTIFIED MEDIATOR
++ CERTIFIED ARBITRATOR



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Writer's Direct Dial: 843-916-7163
Writer's Email: RShelton@BellamyLaw.com

September 22, 2017

The Honorable Daniel E. Shearouse
Clerk of the South Carolina Supreme Court
P.O. Box 11330
Columbia, SC 29211

RECEIVED

SEP 25 2017

S.C. SUPREME COURT

Re: Re: SCDOT v. David Franklin Powell (Tract 13)
Civil Action No. 2010-CP-26-7961
Appelle Case No. 2016-000594

Dear Mr. Shearouse:

Enclosed for filing is one (1) unbound original and seven (7) copies of Appellant's Notice of Petition and Petition for Extension and Proof of Service in the above referenced matter.

The filing fee in the amount of \$25.00 is enclosed. According to my calculations, should this Petition be granted, Appellant's Initial Brief and Appendix will be due on or before October 29, 2017. Please let me know immediately if my calculations are incorrect.

I would appreciate you returning a clocked copy of the Petition and Proof of Service in the enclosed self addressed, stamped envelope provided for your convenience. Please do not hesitate to contact me should you have any questions.

With kindest regards, I am

Yours very truly,
BELLAMY, RUTENBERG, COPELAND,
EPPS, GRAVELY & BOWERS, P.A.

Robert S. Shelton

RSS:nmr
Enclosure as noted
cc: Client
John B. McCutcheon, Jr. Esq.
Beacham O. Brooker, Jr., Esq.



The Supreme Court of South Carolina

Bellamy, Rutenberg, Copeland, Epps, etc.

09/25/2017

RECEIPT #84648

Case No: 2016-000594
Case Short Title: SCDOT v. David Powell
Event:
Fee Type: Motion Fee
Amount: \$25.00
Payment Type: Check
Reference No: 070616
Check/Money Order Date: 09/22/2017
Comments: