

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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OCT 23 2017

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

SC Court of Appeals

Robert E. Hood, Circuit Court Judge

Case No. 2016-CP-40-04639

William A. Brazell,
Individually and as Personal
Representative of the Estate of
Geneva J. Brazell, deceased,

Appellant,

v.

Judith D. Haley,

Respondent.

OBJECTION TO RESPONDENT'S MOTION FOR EXTENSION

Appellant would object to respondent's Motion for Extension. The undersigned received a copy of a letter to respondent from V. Claire Allen, Deputy Clerk of the South Carolina Court of Appeals, dated October 17, 2017, related to respondent's request for a motion for extension (assumedly to file a Respondent's Brief). The undersigned never was served with a copy of this motion.

TIME LINE ON THIS CASE

DATE	FILED	DETAIL
5/31/17	6/7/17	Notice of Intent to Appeal (Richland County)
5/31/17	6/2/17	Notice of Intent to Appeal (South Carolina Court of Appeals)

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RHP


6/29/17		Receipt of Transcript of Record
7/26/17	7/28/17	Motion for Extension of Time (to file initial brief)
	7/31/17	Order extending time until August 30, 2017
8/21/17		Initial Brief and Designation of Matter to be Included in Record (8/21/17 Mailed to South Carolina Court of Appeals and respondent)
9/27/17		30 days plus 5 days for filing Respondent's Brief NO RESPONDENT'S BRIEF FILED The undersigned called the Court of Appeals to insure no Respondent's Brief filed
9/29/17	10/4/2017	Record on Appeal
10/13/17	10/13/17	Final Brief of Appellant
10/19/17		Received letter from the South Carolina Court of Appeals related to Respondent's Motion for an Extension. The respondent's motion was not served on the undersigned.

ARGUMENT

This is a case in which appellant entered into a Contract in Lieu of Deed of certain real estate located in Richland County dated April 9, 2014. Pursuant to the Contract, respondent was to pay \$500.00 per month or \$1,500.00 per quarter. Respondent paid \$1,500.00 on August 9, 2014, and paid an additional \$355.00. Pursuant to the Contract, respondent was to pay taxes and insurance on the property. The taxes for 2015 were paid by appellant's son. The taxes for 2016 have not been paid. Respondent has never insured the property. The real estate was damaged as a result of the 2015 flood. Respondent has refused to allow appellant access to the property.

Respondent owes appellant \$19,145.00 (\$19,500.00 less \$355.00) plus 2015 and 2016 Richland County property taxes. Respondent has failed and refused to insure the property.

Respondent is not coming into this Court with clean hands. The money that respondent has

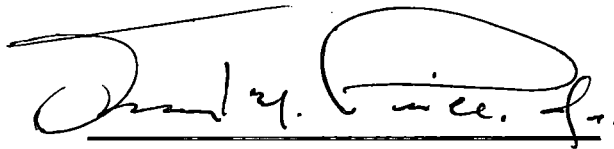
No. 2


failed and refused to pay appellant is more than enough to have retained a lawyer in order to properly follow the rules as set forth in the South Carolina Appellate Court rules.

An extension should not be granted because it will further delay allowing this case to be heard on the merits. Damage occurs every day this case is delayed. This case should be tried on the merits as soon as possible. Respondent is judgment proof. Appellant is not seeking money damages. He just wants his house back.

Respectfully submitted,

October 20, 2017

A handwritten signature in black ink, appearing to read "Samuel M. Price, Jr.", written over a horizontal line.

SAMUEL M. PRICE, JR.
Post Office Drawer 836
Newberry, South Carolina 29108
(803) 276-0796
Attorney for Appellant

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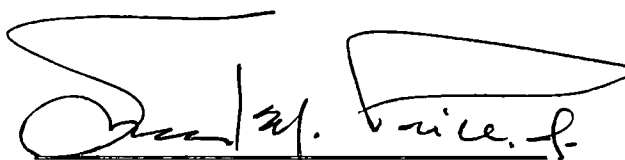
Judith D. Haley,

Respondent.

PROOF OF SERVICE

I certify that I have served the Objection to Respondent's Motion for Extension on Judith D. Haley by depositing a copy of it in the United States Mail, postage prepaid, on October 20, 2017, addressed to her at 2428 Heyward Brockington Road, Columbia, South Carolina 29203.

October 20, 2017



SAMUEL M. PRICE, JR.
Post Office Drawer 836
Newberry, South Carolina 29108
(803) 276-0796
Attorney for Appellant

Law Office
of
Samuel M. Price, Jr.
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SC Court of Appeals

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October 20, 2017

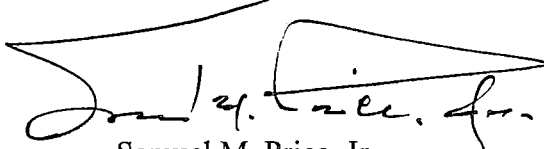
The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: William A. Brazell, Individually and as Personal Representative of the Estate of
Geneva J. Brazell, deceased vs. Judith D. Haley
Case No. 2016-CP-40-04639

Dear Ms. Kitchings:

Enclosed for filing are the original and one (1) copy of the Objection to Respondent's Motion for Extension together with Proof of Service of same on Respondent. Please return clocked copy to my office via enclosed envelope. If you have any questions, please do not hesitate to contact me.

Respectfully,


Samuel M. Price, Jr.

rfs

Enclosures

SAMUEL M. PRICE, JR.

ATTORNEY AT LAW

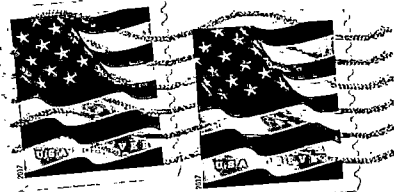
1413 MAIN STREET

P.O. DRAWER 836

NEWBERRY, SOUTH CAROLINA 29108

COLUMBIA SC 290

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The Honorable Jenny Abbott Kitchings
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SC Court of Appeals

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