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IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE BEAUFORT COUNTY
COURT OF COMMON PLEAS

RECEIVED

HONORABLE MARVIN H. DUKES, III
BEAUFORT COUNTY MASTER-IN-EQUITY AND
SPECIAL CIRCUIT COURT JUDGE

OCT 13 2017
SC Court of Appeals

CASE NO.: 2014-CP-07-1402
APPELLATE CASE NO. 2016-001866

THOMAS J. O'BRIEN,

Appellant,

vs.

HENRY JAMES VAN DAM, THERESA D. VAN DAM, CLYDE A. SANDERS, JANET S. SANDERS, TIMOTHY D. BROUILLETTE, JULIE LYNN BROUILLETTE, ROBB R. ALEXANDER BONNIE M. ALEXANDER, FLORIEN DAVADI, MARIA OUTEIRAL, CATHERINE A. DAVIS, ANTHONY R. GOMEZ, III, MARY E. GOMEZ, TRAVIS HUTCHINGS, AMY J. HUTCHINGS, BRUCE K. PARKER, SR., MARY E. PARKER, ALBERT L. KEETON, DONNA S. KEETON, GREG BRANTLEY, KENISH D. BRANTLEY, EMERSON G. DICKSON, EVELYN DICKSON, WILLIAM H. WALKER, JR., DEBORAH L. WALKER, LINDA J. GOMEZ, CHARLES J. BRACE, MEREDITH N. BRACE, CHARLES E. HORTON, SHARON J. HORTON, EDWARD CANALES, CAROLINE M. CANALES, MICHAEL L. SAPP, MARJORIE H. SAPP, WILLIAM J. DRAINS, SYMATHA DRAINS, GARY W. TAYLOR, JOHN W. WESTMORELAND, PHYLLIS WESTMORELAND, MIDWEST CONCEPTS CORPORATION, BARRY L. REESE, GREGORY C. POOK, JUDITH A. ATHEY, RICHARD A. GALGANO, RAYMOND F. MATHIS, MAXINE L. MATHIS, BERNARD MCINTYRE, RALPH RAY KEARNS, JR., CHERYL LYNN J. KEARNS, GUY SIDNEY RICHARDSON, LINDA SUE RICHARDSON, DIANNA HUSTON, DANIEL B. MORGAN, MICHELLE J. MORGAN, LARRY G. MERRIFIELD, EILEEN MERRIFIELD, JAMES FARMER, CATHERINE B. FARMER, BRENDA O'SHIELDS, WARREN J. DISBROW, JOHN F. DYKEMAN, CAROL W. DYKEMAN, EVERETT R. LENNEX, ROSITA C. LENNEX, RAUL DENISE DOMINGUEZ, PAULA CHRISTINE WRIGHT, SHIRLEY A. SNYDER, BENJAMIN J. KILEY, JAMES F. BAUER, REVOCABLE TRUST, BENJAMIN KOLB, WILLIAM MARK FRY, ELIZABETH ANN FRY, MARK A. COOK, ROSE M. COOK AND SHAKY POND, LLC,

Defendants

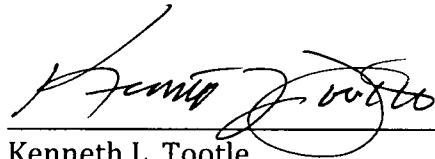
OF WHOM

HENRY JAMES VAN DAM, THERESA D. VAN DAM, CLYDE A. SANDERS, JANET S. SANDERS, TIMOTHY D. BROUILLETTE, JULIE LYNN BROUILLETTE, ROBB R. ALEXANDER BONNIE M. ALEXANDER, FLORIEN DAVADI, MARIA OUTEIRAL, CATHERINE A. DAVIS, ANTHONY R. GOMEZ, III, MARY E. GOMEZ, TRAVIS HUTCHINGS, AMY J. HUTCHINGS, BRUCE K. PARKER, SR., MARY E. PARKER, ALBERT L. KEETON, DONNA S. KEETON, GREG BRANTLEY, KENISH D. BRANTLEY, EMERSON G. DICKSON, EVELYN DICKSON, WILLIAM H. WALKER, JR., DEBORAH L. WALKER, LINDA J. GOMEZ, CHARLES J. BRACE, MEREDITH N. BRACE, CHARLES E. HORTON, SHARON J. HORTON, EDWARD CANALES, CAROLINE M. CANALES, MICHAEL L. SAPP, MARJORIE H. SAPP, WILLIAM J. DRAINS, SYMATHA DRAINS, GARY W. TAYLOR, JOHN W. WESTMORELAND, PHYLLIS WESTMORELAND, BARRY L. REESE, GREGORY C. POOK, JUDITH A. ATHEY, RICHARD A. GALGANO, RAYMOND F. MATHIS, MAXINE L. MATHIS, BERNARD MCINTYRE, RALPH RAY KEARNS, JR., CHERYL LYNN J. KEARNS, GUY SIDNEY RICHARDSON, LINDA SUE RICHARDSON, DIANNA HUSTON, DANIEL B. MORGAN, MICHELLE J. MORGAN, LARRY G. MERRIFIELD, EILEEN MERRIFIELD, JAMES FARMER, CATHERINE B. FARMER, BRENDA O'SHIELDS, WARREN J. DISBROW, JOHN F. DYKEMAN, CAROL W. DYKEMAN, EVERETT R. LENNEX, ROSITA C. LENNEX, RAUL DENISE DOMINGUEZ, PAULA CHRISTINE WRIGHT, SHIRLEY A. SNYDER, BENJAMIN J. KILEY, BENJAMIN KOLB, WILLIAM MARK FRY, ELIZABETH ANN FRY, MARK A. COOK, and ROSE M. COOK are

Respondents.

MOTION TO FILE RESPONDENTS' FINAL BRIEF OUT OF TIME

Respondents Ralph Ray Kearns, Jr. and Cheryl Lynn J. Kearns hereby moves for permission to file Respondents' Final Brief out of time. Respondents assert that no prejudice will be incurred by any party to this appeal should they be permitted to file Respondents' Final Brief out of time. Further, the best interests of justice will be promoted through allowing the filing of Respondents' Final Brief out of time.

A handwritten signature in black ink, appearing to read "Kenneth L. Tootle", is written over a horizontal line.

Kenneth L. Tootle
Post Office Box 1321
Beaufort, South Carolina 29901
843-524-0424
Attorney for Respondents Kearns

Beaufort, South Carolina
October 11, 2017

CERTIFICATE OF SERVICE

The undersigned certifies that RESPONDENTS' MOTION TO FILE RESPONDENTS' FINAL BRIEF OUT OF TIME, to which this certificate is affixed, was served upon the parties to this action by depositing a copy of same via first class U.S. Mail, postage pre-paid on October 11, 2017 to the following:

H. Fred Kuhn, Jr.
Post Office Drawer 507
Beaufort, South Carolina 29901

Mr. Willie J. Drains
Mrs. Symatha Drains
Post Office Box 771
Beaufort, South Carolina 29906

Mr. Gary W. Taylor
6805 Oakmont Drive
Beaufort, South Carolina 29906

Mr. Henry James Van Dam
Mrs. Theresa D. Van Dam
691 Summer Drive
Burton, South Carolina 29902

Mr. John W. Westmoreland
Mrs. Phyllis B. Westmoreland
105 Waters View Road
Hampton, South Carolina 29924

Midwest Concepts Corporation
Post Office Box 540951
Omaha, Nebraska 68154

Mr. Barry L. Reese
Mr. Gregory L. Pook
6811 Oakmont Drive
Beaufort, South Carolina 29906

Ms. Judith Athey
91 Village Greenway
Flat Rock, North Carolina 28731

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SC Court of Appeals

Mr. Richard A. Galgano
6817 Oakmont Drive
Beaufort, South Carolina 29906

Mr. Raymond F. Mathis
Mrs. Maxine L. Mathis
6821 Oakmont Drive
Beaufort, South Carolina 29906

Mr. Bernard McIntyre
6823 Oakmont Drive
Beaufort, South Carolina 29906

Mr. Guy S. Richardson
Mrs. Linda Sue Richardson
6817 Elderberry Drive
Beaufort, South Carolina 29906

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6818 Elderberry Drive
Beaufort, South Carolina 29906

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6816 Elderberry Drive
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Beaufort, South Carolina 29906

Mr. Larry Merrifield
Mrs. Eileen M. Merrifield
6814 Elderberry Drive
Beaufort, South Carolina 29902

Mr. Florian Davadi
Ms. Maria Outeiral
6802 Oakmont Drive
Beaufort, South Carolina 29906

Catherine A. Davis
800 Broad River Boulevard
Beaufort, South Carolina 29902

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Beaufort, South Carolina 29902

Mr. Travis Hutchings
Mrs. Amy J. Hutchings
810 Broad River Boulevard
Beaufort, South Carolina 29906

Mr. Bruce K. Parker, Sr.
Mrs. Mary Parker
814 Broad River Boulevard
Beaufort, South Carolina 29906

Mr. Albert L. Keeton
Mrs. Donna Keeton
790 Broad River Boulevard
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Mr. Greg Brantley
Mrs. Kenisah D. Brantley
786 Broad River Boulevard
Beaufort, South Carolina 29906

Mr. Emerson Dickson
Mrs. Evelyn Dickson
780 Broad River Boulevard
Beaufort, South Carolina 29906

Mr. William H. Walker, Jr.
Mrs. Deborah L. Walker
776 Broad River Boulevard
Beaufort, South Carolina 29906

Mrs. Linda Gomez
Post Office Box 8034
Beaufort, South Carolina 29903

Mr. Charles J. Brace
Mrs. Meredith N. Brace
693 Paige Drive
Beaufort, South Carolina 29902

Mr. Charles E. Horton
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6803 Oakmont Drive
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Mrs. Marjorie H. Sapp
694 Paige Drive
Burton, South Carolina 29906

Mr. William Mark Fry
Mrs. Elizabeth Ann Fry
6810 Oakmont Drive
Beaufort, South Carolina 29906

James F. Bauer Revocable Trust
6806 Oakmont Drive
Beaufort, South Carolina 29902

Mr. Benjamin J. Kiley
Mrs. Rowena S. Kiley
Post Office Box 45218
San Diego, California 95145

Ms. Shirley Snyder
6805 Elderberry Drive
Beaufort, South Carolina 29906

Ms. Paula Christine Wright
6807 Elderberry Drive
Beaufort, South Carolina 29906

Mr. Raul Dominguez
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6809 Elderberry Drive
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6811 Elderberry Drive
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6813 Elderberry Drive
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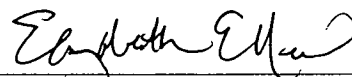
Mr. James F. Farmer
Mrs. Catherine B. Farmer
6812 Elderberry Drive
Beaufort, South Carolina 29906

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696 Paige Drive
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Mr. Clyde A. Sanders
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682 Royal Drive
Beaufort, South Carolina 29906

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681 Royal Drive
Beaufort, South Carolina 29906

Mr. Robb B. Alexander
Mrs. Bonnie M. Alexander
6806 Elderberry Drive
Beaufort, South Carolina 29906



Elizabeth E. New, Paralegal
Law Office of Kenneth L. Tootle

6

LAW OFFICES OF
KENNETH L. TOOTLE

ATTORNEY AT LAW

Mailing Address:
P.O. Box 1321
Beaufort, South Carolina 29901

Physical Address:
1015 Prince Street
Beaufort, South Carolina 29902

(843) 524-0424
FAX (843) 524-1264
kentootle@hargray.com

October 11, 2017

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

RECEIVED
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SC Court of Appeals

Re: Thomas O'Brien v. Van Dam, et al.
Case No: 2014-CP-07-01402
Appellate Case No.: 2016-001866

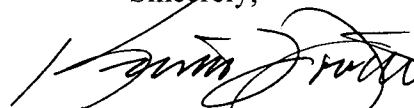
Dear Mrs. Kitchings:

Enclosed please find RESPONDENTS' FINAL BRIEF (original plus 15) and RESPONDENTS' MOTION TO FILE RESPONDENTS' FINAL BRIEF OUT OF TIME in the above referenced case. Also enclosed is a check for \$25.00 for the filing fee for the motion.

I personally spoke with Fred Kuhn, Attorney for the Appellant, and he has no objection to the granting of the Motion by the Court.

Should you have any questions, please feel free to contact our office.

Sincerely,



Kenneth L. Tootle

KLT/een
Encl.
cc: See list attached hereto

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