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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable Deadra L. Jefferson, Circuit Court Judge  
The Honorable Kristi Lea Harrington, Circuit Court Judge

**RECEIVED**  
DEC 12 2017  
SC Court of Appeals

Lower Court Case No. 2016-CP-10-1355  
Court of Appeals Case No. 2017-001479

Carolina Construction Solutions,

Respondent,

v.

Eagles Landing Properties, LLC, Myron L. Hyman, Jr.,  
Individually, and as Trustee of The Myron L. Hyman, Jr., - 1998  
Trust, Under Agreement Dated June 30, 1998 As Amended, Eagles  
Landing Restaurants, LLC, Eagles Landing International, LLC,  
Elite Construction Company, and Vincent C. Carter,

Defendants,

Of Whom, Myron L. Hyman, Jr., Individually, and as Trustee of  
The Myron L. Hyman, Jr., - 1998 Trust, Under Agreement Dated  
June 30, 1998 As Amended,

Appellants.

**MOTION FOR EXTENSION OF TIME**

**NOW COMES** the Respondent, Carolina Construction Solutions, by and through  
its/their undersigned counsel, and pursuant to Rule 263(b) of the South Carolina Appellate Court  
Rules ("SCACR"), respectfully hereby moves this Honorable Court for an extension of time to  
serve and file its/their Initial Brief and Designation of Matter to be Included in the Record on  
Appeal.



The Appellant's Notice of Appeal was served on June 27, 2017 and filed with this Court on June 29, 2017. Pursuant to Rule 207(a)(b) of the SCACR, the Appellant was required to order the transcript of the lower court proceeding ("transcript"). Not until after correspondence from this Court, dated July 18, 2017, advising Appellant that the time for ordering the transcript had expired, did the Appellant file a Motion for Extension of time, on July 25, 2017, requesting a thirty (30) day extension to July 28, 2017 to order the transcript. On the same day, July 25, 2017, the Appellant filed a copy of correspondence addressed to Denise Lauder requesting a copy of the transcript.

On October 2, 2017, this Court sent correspondence to Appellant denoting that the transcript should have been delivered, the Court had not received any indication that the court reporter had been granted an extension, Appellant has not notified the Court of the failure to receive the transcript, nor has the Appellant filed an Initial Brief. The Appellant was instructed to notify the Court of the status of the transcript within ten (10) days. On October 10, 2017, Appellant filed correspondence with this Court stating he had not received a copy of the transcript and had re-ordered a copy on September 13, 2017.

On November 20, 2017, Appellant filed a Motion for Extension of Time to File Initial Brief and Designation of Matter, requesting a filing deadline date of December 6, 2017. Two days later, on November 22, 2017, Appellant filed his Initial Brief and Designation of Matter to be Included in the Record on Appeal. The Appellant filed his Initial Brief and Designation of Matter without notifying this Court or the Respondent that a transcript had been received, nor did he provide Respondent with a copy of same. In fact, Appellant still hasn't notified this Court that he received a copy of the transcript.

The Appellant's Initial Brief attests to service upon Respondent on November 21, 2017<sup>1</sup>, and Respondent received same on November 27, 2017. After receiving Appellant's Initial Brief, the Respondent requested a copy of the transcript from Appellant which was ultimately received on December 8, 2017. Pursuant to Rule 208(a)(2) of the SCACR, the Respondent's Initial Brief and Designation of Matter, having been "served" on November 21, 2017, would be due on December 21, 2017.

Due to the foregoing circumstances surrounding this appeal, the Respondent respectfully requests an additional forty-five (45) days to serve its/their Initial Brief and Designation of Matter with the extended date for service and filing being February 5, 2018.

WHEREFORE, for good cause shown, and without undue delay and/or prejudice to Appellant, the Respondent respectfully requests this Honorable Court issue an Order granting the requested relief and permitting Respondent to file and serve its/their Initial Brief and Designation of Matter on or before February 5, 2017. previous

Respectfully submitted,



Alan R. Belcher, Jr., Esquire, Bar No. 71686  
Hall Booth Smith, P.C.

111 Coleman Boulevard, Suite 301  
Mt. Pleasant, South Carolina 29464

Telephone: (843) 720-3460

[abelcher@hallboothsmith.com](mailto:abelcher@hallboothsmith.com)

*Attorney for Respondent Carolina Construction  
Solutions*

Dated: December 11, 2017

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<sup>1</sup> Appellant served Respondent at an address the Respondent has not occupied since July 14, 2017, even though Appellant was fully aware of Respondent's "new" address.

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Landing Restaurants, LLC, Eagles Landing International, LLC,  
Elite Construction Company, and Vincent C. Carter,

Defendants,

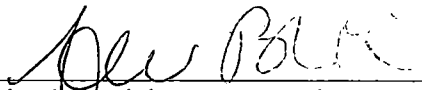
Of Whom, Myron L. Hyman, Jr., Individually, and as Trustee of  
The Myron L. Hyman, Jr., - 1998 Trust, Under Agreement Dated  
June 30, 1998 As Amended,

Appellants.

**PROOF OF SERVICE**

I certify that I have served Respondent's Motion for Extension of Time upon the Appellant by way of U.S. Mail, stamped First Class delivery, on December 11, 2017, addressed to Appellant's attorneys of record as follows:

Walker H. Willcox, Esquire  
Willcox, Buyck & Williams, P.A.  
P.O. Box 1909  
Florence, South Carolina 29503-1909



Alan R. Belcher, Jr., Esquire, Bar No. 71686  
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[abelcher@hallboothsmith.com](mailto:abelcher@hallboothsmith.com)

*Attorney for Respondent Carolina Construction  
Solutions*

Dated: December 11, 2017

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P: (843) 720-3478 | Mount Pleasant, SC 29464  
E: alan.belcher@hallboothsmith.com | W: www.hallboothsmith.com  
P: (843) 720-3460 F: (843) 720-3479

December 11, 2017

VIA FEDERAL EXPRESS PRIORITY OVERNIGHT

South Carolina Court of Appeals  
Clerk of Court Office  
ATTN: SHELBY SPENCER  
1220 Senate Street  
Columbia, South Carolina 29201

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DEC 12 2017  
SC Court of Appeals

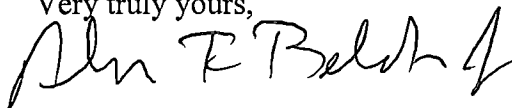
RE: *Carolina Construction Solutions v. Eagles Landing Properties, LLC, et al.*  
Lower Court Case No.: 2016-CP-10-1355  
Court of Appeals Case No.: 2017-001479

Dear Ms. Spencer:

Enclosed please find the original and six copies of Respondent's Motion for Extension of Time with regard to the above-referenced matter. Also enclosed is our firm's check in the amount of \$25.00, representing the motion filing fee.

I have included an extra copy of the Motion, and would appreciate your returning the filed copy to our office in the enclosed self-addressed stamped envelope. Thank you for your assistance in this matter. If you have any questions and/or concerns, please do not hesitate to contact our office.

Very truly yours,



Alan R Belcher, Jr.

ARB/sb

cc: Walker H. Willcox, Esquire

ORIGIN ID:RBWA (843) 720-3460  
JACK GRESH  
JACK GRESH  
111 COLEMAN BLVD  
SUITE 301  
MOUNT PLEASANT, SC 29464  
UNITED STATES US

SHIP DATE: 11DEC17  
ACTWGT: 1.00 LB  
CAD: 103388659/INET3920

BILL THIRD PARTY

TO **SHELBY SPENCER**  
**THE SOUTH CAROLINA COURT OF APPEALS**  
**1220 SENATE STREET**

**COLUMBIA SC 29201**

(803) 734-1890

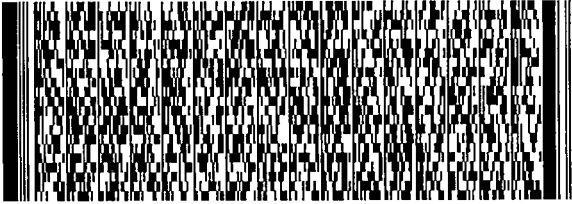
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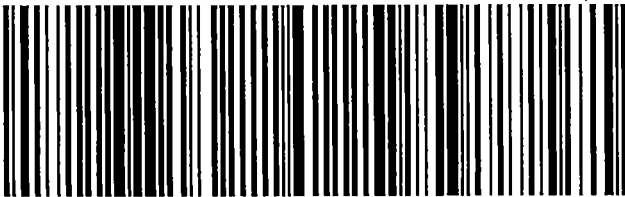
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