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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

RECEIVED
JAN 09 2018
SC Court of Appeals

Appellate Case No. 2017-000542
Case No. 2013-CP-10-3326
Case No. 2014-CP-10-4335

Waverly at Hamlin Plantation Townhome Association, Inc., Respondent,

v.

John Wieland Homes and Neighborhoods of the Carolinas, Inc. as Successor by Statutory Merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., John Wieland Homes, Inc., Defendants,

And

John Wieland Homes and Neighborhoods of the Carolinas, Inc., as Successor by Statutory Merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., John Wieland Homes Inc., Builders Support Services of the Carolinas, Inc., Third-Party Plaintiffs,

v.

Barr Construction, Inc., Benjamin Mora d/b/a Mora Construction, a/k/a Benjamin Mora Construction, LLC, Builders FirstSource, Inc., a/k/a Builders FirstSource-Southeast Group, LLC, a/k/a Builders FirstSource-Atlantic Group, LLC, DBC Construction Services, LLC, Eli, Inc., Gerardo Rosette Sanchez a/k/a GR Painting, Jeorge Medina, Jeorge Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Jesus Mora a/k/a J. Mora Brick & Block Mason, LLC, Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanches Brothers Painting, Latitude Construction Services, LLC, The Muhler Company, Inc., Paul M. Vasquez, Richard Ditullio, Richard Ditullio a/k/a RDT Contracting, LLC, Third-Party Defendants,

✓

Of whom John Wieland Homes and Neighborhoods of the Carolinas, Inc., as Successor by Statutory Merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., John Wieland Homes, Inc., Builders Support Services of the Carolinas, Inc., is the Appellant,

And Jeorge Medina, Jeorge Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, and the Muhler Company, Inc. are the Respondents,

And

Jeffery Sills, Individually and as Class Representative, Marie Labarowski, Edward and Nancy Peyser, Francis Sills, Daniel and Suzanne Ruth, Stephani Adili, Marc and Brandy Lynn, Russell Robinson, George Busnach, Helen Furtado, Jessica Baucom, Nancy S. Coleman, Linda Glitz, Peggy Gerou, Shannon Bebout, Maryann Walsh, Patty Whitmire, Donald L. Tomasello and Patricia Kelly, Chris Leigh-Jones, Edward Ray and Kathy Jo Feagins, Cindy Hunt for Bentgrass Limited, LLC, Adam A. and Susan S. Sokoloski, William and Carolyn Barone, Michelle Ray, Eugene and Cynthia Ray, William Abel, Dean and Conny Mason, David McCartney, Paul and Patricia Waters, James and Andrea Lowry, R. Robinson, Jr. Thaddeus R. and Barbara A. Kuczynski, Beverly Sunders Carlson, Lisa Roeck, Elizabeth Jackson, Charles and Mary Kathleen Jenkins, Linda M. and Earl K. Rigler, Jr., John Twomey, Joe and Anita Brittain, Gilbert J. Hager and Kelly Hager Holmes, Carol and Chris Gilespie, Jared D. Overcash, Plaintiffs,

v.

John Wieland Homes and Neighborhoods of the Carolinas, Inc., as Successor by Statutory Merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., John Wieland Homes, Inc., Builders Support Services of the Carolinas, Inc., Wheelock Street Capital, LLC d/b/a Jon Wieland Homes and Neighborhoods, Inc., Bar Construction, Inc., Benjamin Mora d/b/a Mora Construction, a/k/a/ Benjamin Mora Construction, LLC, Builder's FirstSource, Inc. a/k/a Builders FirstSource-Atlantic Group, LLC, DBC Construction Services, LLC, Gerardo Rosette Sanchez a/k/a GR Painting, Jeorge Medine a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Jesus Mora a/k/a J. Mora Brick & Block Mason, LLC, Juan Luis Sanchez a/k/a Sachez Brothers Painting, Latitude Construction Services, LLC, The Muhler Company, Inc., Paul M. Vasque, Richard Ditullio, Richard Ditullio a/k/a ROT Contracting, LLC, Defendants,

Of whom John Wieland Homes and Neighborhoods of the Carolinas, Inc. as Successor by Statutory Merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., John Wieland Homes, Inc., Builders Support Services of the Carolinas, Inc., is the Appellant,

And Jeffrey Sills, Individually and as Class Representative, Marie Labarowski, Edward and Nancy Peyser, Francis Sills, Daniel and Suzanne Ruth, Stephani Adili, Marc and Brandy Lynn, Russell Robinson, George Busnach, Helen Furtado, Jessica Baucom, Nancy S. Coleman, Linda Glitz, Peggy Gerou, Shannon Bebout, Maryann Walsh, Patty Whitmire, Donald L. Tomasello and Patricia Kelly, Chris Leigh-Jones, Edward Ray and Kathy Jo Feagins, Cindy Hunt for Bentgrass Limited, LLC, Adam A. and Susan S. Sokoloski, William and Carolyn Barone, Michelle Ray, Eugene and Cynthia Ray, William Abel, Dean and Conny Mason, David McCartney, Paul and Patricia Waters, James and Andrea Lowry, R. Robinson, Jr. Thaddeus R. and Barbara A. Kuczynski, Beverly Sunders Carlson, Lisa Roeck, Elizabeth Jackson, Charles and Mary Kathleen Jenkins, Linda M. and Earl K. Rigler, Jr., John Twomey, Joe and Anita Brittain, Gilbert J. Hager and Kelly Hager Holmes, Carol and Chris Gillespie, and Jared D. Overcash are the Respondents,

And George Medina, Jeorge Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, and The Muhler Company, Inc., are the Respondents.

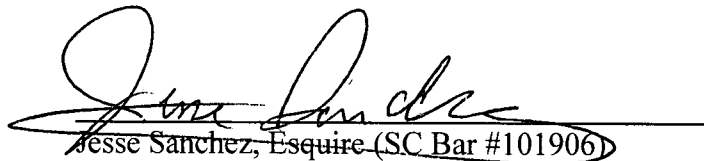
MOTION FOR EXTENSION OF TIME

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, Respondents Jeffrey Sills, Individually and as Class Representative, Marie Labarowski, Edward and Nancy Peyser, Francis Sills, Daniel and Suzanne Ruth, Stephanie Adili, Marc and Brandy Lynn, Russell Robinson, George Busnach, Helen Furtado, Jessica Baucom, Nancy S. Coleman, Linda Glitz, Peggy Gerou, Shannon Bebout, Maryann Walsh, Patty Whitmire, Donald L. Tomasello and Patricia Kelly, Chris Leigh-Jones, Edward Ray and Kathy Jo Feagins, Cindy Hunt for Bentgrass Limited, LLC, Adam A. and Susan S. Sokoloski, William and Carolyne Barone, Michelle Ray, Eugene and Cynthia Ray, William Abel, Dean and Conny Mason, David McCartney, Paul and Patricia Waters, James and Andrea Lowry, R. Robinson, Jr., Thaddeus R. and Barbara A. Kucysnksi, Beverly Sunders Carlson, Lisa Roeck, Elizabeth Jackson, Charles and Mary Kathleen Jenkins, Linda M. and Earl K. Rigler, Jr., John Twomey, Joe and Anita Brittain, Gilbert J. Hager and Kelly Hager Holmes, Carol and Chris

Gilespe, Jared D. Overcash, and Waverly at Hamlin Plantation Townhome Association, Inc. ("Respondents") respectfully request a ten (10) day extension of time to file Respondents' Initial Brief and Designation of Matter.

This request is necessitated due to numerous scheduling conflicts and delays created by the historic snowstorm that affected Charleston, South Carolina beginning on Wednesday, January 3, 2018. As a result of the storm, counsel has encountered travel delays, limited access to his office, and rescheduled hearing dates and client meetings. Currently, Respondents' Initial Brief and Designation of Matter are due Friday, January 12, 2018. Respondents respectfully request a ten (10) day extension of time until January 22, 2018.

Therefore, Respondents respectfully request that this Court enter an order extending the deadline for the Initial Brief of Respondents and Designation of Matter until January 22, 2018. Respondents further request that the current deadline be held in abeyance while the Court considers this request.



Jesse Sanchez, Esquire (SC Bar #101906)

The Law Office of Jesse Sanchez, LLC

98 ½ Broad Street, Suite B

Charleston, SC 29401

Phone: 843-814-8181

Fax: 843-284-3953

jesse@jessesanchezlaw.com

and

John C. Hayes, IV, Esquire (SC Bar # 69740)

Hayes Law Firm, LLC

180 Meeting Street, Suite 330

Charleston, SC 29401

Phone: 843-805-7003

Fax: 843-573-7388

jhayes@hayeslaw.org

and

I. Keith McCarty, Esquire (SC Bar # 66447)
McCarty Law Firm, PC
1212 Wappoo Road
Charleston, SC 29407
Phone: 843-793-1272
ikeithmccarty@gmail.com

ATTORNEYS FOR RESPONDENTS JEFFREY SILLS, INDIVIDUALLY AND AS CLASS REPRESENTATIVE, MARIE LABAROWSKI, EDWARD AND NANCY PEYSER, FRANCIS SILLS, DANIEL AND SUZANNE RUTH, STEPHANIE ADILI, MARC AND BRANDY LYNN, RUSSELL ROBINSON, GEORGE BUSNACH, HELEN FURTADO, JESSICA BAUCOM, NANCY S. COLEMAN, LINDA GLITZ, PEGGY GEROU, SHANNON BEBOUT, MARYANN WALSH, PATTY WHITMIRE, DONALD L. TOMASELLO AND PATRICIA KELLY, CHRIS LEIGH-JONES, EDWARD RAY AND KATHY JO FEAGINS, CINDY HUNT FOR BENTGRASS LIMITED, LLC, ADAM A. AND SUSAN S. SOKOLOSKI, WILLIAM AND CAROLYNE BARONE, MICHELLE RAY, EUGENE AND CYNTHIA RAY, WILLIAM ABEL, DEAN AND CONNY MASON, DAVID MCCARTNEY, PAUL AND PATRICIA WATERS, JAMES AND ANDREA LOWRY, R. ROBINSON, JR., THADDEUS R. AND BARBARA A. KUCYSNKSI, BEVERLY SUNDERS CARLSON, LISA ROECK, ELIZABETH JACKSON, CHARLES AND MARY KATHLEEN JENKINS, LINDA M. AND EARL K. RIGLER, JR., JOHN TWOMEY, JOE AND ANITA BRITTAIN, GILBERT J. HAGER AND KELLY HAGER HOLMES, CAROL AND CHRIS GILESPIE, JARED D. OVERCASH, AND WAVERLY AT HAMLIN PLANTATION TOWNHOME ASSOCIATION, INC.

January 8, 2018
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA
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v.

Barr Construction, Inc., Benjamin Mora d/b/a Mora Construction, a/k/a Benjamin Mora Construction, LLC, Builders FirstSource, Inc., a/k/a Builders FirstSource-Southeast Group, LLC, a/k/a Builders FirstSource-Atlantic Group, LLC, DBC Construction Services, LLC, Eli, Inc., Gerardo Rosette Sanchez a/k/a GR Painting, Jeorge Medina, Jeorge Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Jesus Mora a/k/a J. Mora Brick & Block Mason, LLC, Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanches Brothers Painting, Latitude Construction Services, LLC, The Muhler Company, Inc., Paul M. Vasquez, Richard Ditullio, Richard Ditullio a/k/a RDT Contracting, LLC, Third-Party Defendants,

Of whom John Wieland Homes and Neighborhoods of the Carolinas, Inc., as Successor by Statutory Merger to John Wieland Homes and Neighborhoods of South Carolina, Inc., John Wieland Homes of Charleston, Inc., John Wieland Homes, Inc., Builders Support Services of the Carolinas, Inc., is the Appellant,

And Jeorge Medina, Jeorge Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, and the Muhler Company, Inc. are the Respondents,

And

Jeffery Sills, Individually and as Class Representative, Marie Labarowski, Edward and Nancy Peyser, Francis Sills, Daniel and Suzanne Ruth, Stephani Adili, Marc and Brandy Lynn, Russell Robinson, George Busnach, Helen Furtado, Jessica Baucom, Nancy S. Coleman, Linda Glitz, Peggy Gerou, Shannon Bebout, Maryann Walsh, Patty Whitmire, Donald L. Tomasello and Patricia Kelly, Chris Leigh-Jones, Edward Ray and Kathy Jo Feagins, Cindy Hunt for Bentgrass Limited, LLC, Adam A. and Susan S. Sokoloski, William and Carolyn Barone, Michelle Ray, Eugene and Cynthia Ray, William Abel, Dean and Conny Mason, David McCartney, Paul and Patricia Waters, James and Andrea Lowry, R. Robinson, Jr. Thaddeus R. and Barbara A. Kuczynski, Beverly Sunders Carlson, Lisa Roeck, Elizabeth Jackson, Charles and Mary Kathleen Jenkins, Linda M. and Earl K. Rigler, Jr., John Twomey, Joe and Anita Brittain, Gilbert J. Hager and Kelly Hager Holmes, Carol and Chris Gilespie, Jared D. Overcash, Plaintiffs,

v.

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And George Medina, George Medina a/k/a JMC Construction, LLC a/k/a JMC Construction, Inc., Juan Luis Sanchez, Juan Luis Sanchez a/k/a Sanchez Brothers Painting, and The Muhler Company, Inc., are the Respondents.

PROOF OF SERVICE

I, the undersigned, certify that I have served the **Motion for Extension of Time** of Respondents Jeffrey Sills, Individually and as Class Representative, Marie Labarowski, Edward and Nancy Peyser, Francis Sills, Daniel and Suzanne Ruth, Stephanie Adili, Marc and Brandy Lynn, Russell Robinson, George Busnach, Helen Furtado, Jessica Baucom, Nancy S. Coleman, Linda Glitz, Peggy Gerou, Shannon Bebout, Maryann Walsh, Patty Whitmire, Donald L. Tomasello and Patricia Kelly, Chris Leigh-Jones, Edward Ray and Kathy Jo Feagins, Cindy Hunt for Bentgrass Limited, LLC, Adam A. and Susan S. Sokoloski, William and Carolyne Barone, Michelle Ray, Eugene and Cynthia Ray, William Abel, Dean and Conny Mason, David McCartney, Paul and Patricia Waters, James and Andrea Lowry, R. Robinson, Jr., Thaddeus R. and Barbara A. Kucysnksi, Beverly Sunders Carlson, Lisa Roeck, Elizabeth Jackson, Charles and Mary Kathleen Jenkins, Linda M. and Earl K. Rigler, Jr., John Twomey, Joe and Anita Brittain, Gilbert J. Hager and Kelly Hager

Holmes, Carol and Chris Gillespie, Jared D. Overcash, and Waverly at Hamlin Plantation Townhome Association, Inc. to the attorneys of record by depositing a copy of it in the United States Mail on January 8, 2018 addressed to the following:

Andrew E. Haselden, Esquire
Howser, Newman & Besley, LLC 215
East Bay Street, Suite 303
Charleston, SC 29401
(843) 216-6940

and

Theodore L. Manos, Esquire
Robertson Hollingsworth & Flynn, LLC
550 King Street, Suite 300
Charleston, SC 29403
(843) 723-6470

*Attorneys for John Wieland Homes and
Neighborhoods of the Carolinas, Inc., as
successor by statutory merger to John
Wieland Homes and Neighborhoods of
South Carolina, Inc., John Wieland
Homes of Charleston, Inc., and Builder
Support Services of the Carolinas, Inc.*

Andrew N. Cole, Esquire Christopher M.
Adams, Esquire
Collins & Lacy, P.C.
Post Office Box 12487
Columbia, SC 29211
(803) 256-2660
*Attorneys for Jeorge Medina a/k/a JMC
Construction, LLC a/k/a JMC
Construction, Inc.*

Cheryl D. Shoun, Esquire
Marvin D. Infinger, Esquire

Nexsen Pruet, LLC
205 King Street, Suite 400
Charleston, SC 29401
(843) 577-9440
*Attorneys for Wheelock Street Capital,
LLC*

Sarah Fragale, Esquire
Julian K. Allen, Esquire
Turner, Padgett, Graham & Laney, P.A.
40 Calhoun Street
Charleston, SC 29401
(843) 576-2800
*Attorneys for Juan Luis Sanchez, Juan
Luis Sanchez a/k/a Sanchez Brothers
Painting*

John A. Jones, Esquire
Paige C. Ordnuoff, Esquire
Gallivan, White & Boyd, P.A.
40 Calhoun Street, Suite 315
Charleston, SC 29401
(843) 734-7600
Attorneys for The Muhler Company, Inc.

--

Caroline Coward McIntosh, Esquire
Kevin W. Mims, Esquire
Luzuriaga Mims, LLC
50 Immigration Street, Suite 200
Charleston, SC 29403
(843) 410-4713
Attorneys for AC Construction Inc.

Erin Dubose Dean, Esquire
Tupper Grimsley & Dean, PA
Post Office Box 2055

Beaufort, SC 29901-2055
(843) 524-1116
Attorneys for Barr Constructin Inc.

Paul M. Vasquez
1417 Peach Blossom Lane
Charleston, SC 29492-8263
Pro Se

Jonathan J. Anderson, Esquire
Curtis Brent Martin, Esquire
Anderson Reynolds & Stephens, LLC
PO Box 87
Charleston, SC 29402
(843) 723-0185
**Attorneys for Benjamin Mora
Construction LLC, Benjamin Mora,
Mora Construction**

Stephen P. Hughes, Esquire
Howell Gibson & Hughes, PA
PO Box 40
Beaufort, SC 29901
(843) 522-2400
**Attorneys for Builders Firstsource
Southeast Group LLC**

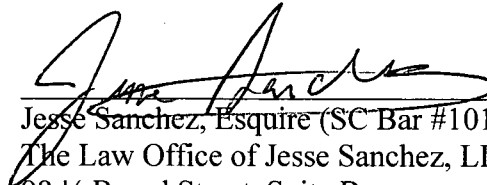
Jarred Hudson Garraux, Esquire
Richardson Plowden & Robinson, PA
1900 Barnwell Street
Columbia, SC 29201
(803) 771-4400
**Attorneys for Richard Ditullio and RDT
Contracting LLC**

Patrick T. Morrissey, Esquire
Clawson & Staubes, LLC
127 Seven Farms Drive, Suite 200
Charleston, SC 29492-7595
(843) 577-2026
Attorneys for Eli Inc.

Robert Michale Ethridge, Esquire
Laura Elizabeth Paris Paton, Esquire
Carlock Copeland & Stair, LLP
Post Office Box 20969
Charleston, SC 29413
(843) 727-0307
**Attorneys for Latitude Construction
Services, LLC**

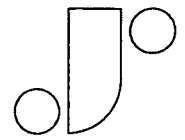
Elizabeth Fraysure Fulton, Esquire
Pritchard Law Group LLC
129 Broad Street
Charleston, SC 29401
(843) 722-3300

John Elliott Rogers II, Esquire
Carl Read Teague
The Ward Law Firm, P.A.
Post Office Box 5663
Spartanburg, SC 29304
(864) 573-8500
**Attorneys for J Mora Brick & Block
Mason LLC, Jesus Mora**


Jesse Sanchez, Esquire (SC Bar #101906)
The Law Office of Jesse Sanchez, LLC
98 ½ Broad Street, Suite B
Charleston, SC 29401
Phone: 843-814-8181
Fax: 843-284-3953
jesse@jessesanchezlaw.com

ATTORNEY FOR RESPONDENTS JEFFREY SILLS, INDIVIDUALLY AND AS CLASS REPRESENTATIVE, MARIE LABAROWSKI, EDWARD AND NANCY PEYSER, FRANCIS SILLS, DANIEL AND SUZANNE RUTH, STEPHANIE ADILI, MARC AND BRANDY LYNN, RUSSELL ROBINSON, GEORGE BUSNACH, HELEN FURTADO, JESSICA BAUCOM, NANCY S. COLEMAN, LINDA GLITZ, PEGGY GEROU, SHANNON BEBOUT, MARYANN WALSH, PATTY WHITMIRE, DONALD L. TOMASELLO AND PATRICIA KELLY, CHRIS LEIGH-JONES, EDWARD RAY AND KATHY JO FEAGINS, CINDY HUNT FOR BENTGRASS LIMITED, LLC, ADAM A. AND SUSAN S. SOKOLOSKI, WILLIAM AND CAROLYNE BARONE, MICHELLE RAY, EUGENE AND CYNTHIA RAY, WILLIAM ABEL, DEAN AND CONNY MASON, DAVID MCCARTNEY, PAUL AND PATRICIA WATERS, JAMES AND ANDREA LOWRY, R. ROBINSON, JR., THADDEUS R. AND BARBARA A. KUCYSNKSI, BEVERLY SUNDERS CARLSON, LISA ROECK, ELIZABETH JACKSON, CHARLES AND MARY KATHLEEN JENKINS, LINDA M. AND EARL K. RIGLER, JR., JOHN TWOMEY, JOE AND ANITA BRITTAIN, GILBERT J. HAGER AND KELLY HAGER HOLMES, CAROL AND CHRIS GILESPIE, JARED D. OVERCASH, AND WAVERLY AT HAMLIN PLANTATION TOWNHOME ASSOCIATION, INC.

January 8, 2018
Charleston, South Carolina



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VIA FAX (803-734-1839) AND USPS PRIORITY OVERNIGHT MAIL

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

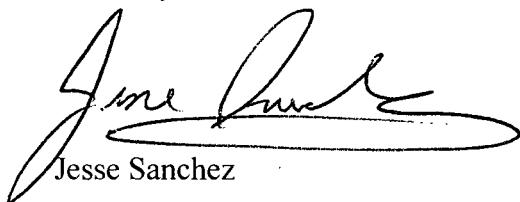
Re: Waverly at Hamlin Plantation Townhome Association, Inc. v. John Wieland
Homes and Neighborhoods of the Carolinas, Inc., et al.
Appellate Case No: 2017-000542

Dear Ms. Kitchings,

Enclosed herewith please find an original and one (1) copy of Respondents' Motion for Extension of Time and Proof of Service for the above-referenced case. Please file the same and return the file-stamped copy in the enclosed prepaid envelope. Also enclosed is our check for \$25.00 for the filing fee for this motion.

Thank you for your assistance with this matter. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Jesse Sanchez

ATTORNEY FOR RESPONDENTS JEFFREY SILLS, INDIVIDUALLY AND AS CLASS REPRESENTATIVE, MARIE LABAROWSKI, EDWARD AND NANCY PEYSER, FRANCIS SILLS, DANIEL AND SUZANNE RUTH, STEPHANIE ADILI, MARC AND BRANDY LYNN, RUSSELL ROBINSON, GEORGE BUSNACH, HELEN FURTADO, JESSICA BAUCOM, NANCY S. COLEMAN, LINDA GLITZ, PEGGY GEROU, SHANNON BEBOUT, MARYANN WALSH, PATTY WHITMIRE, DONALD L. TOMASELLO AND PATRICIA KELLY, CHRIS LEIGH-JONES, EDWARD RAY AND KATHY JO FEAGINS, CINDY HUNT FOR BENTGRASS LIMITED, LLC, ADAM A. AND SUSAN S.

THE LAW OFFICE OF JESSE SANCHEZ, LLC

98½ Broad Street, Suite B, Charleston, SC 29401 P: 843.814.8181 F: 843.284.3953

jesse@jessesanchezlaw.com jessesanchezlaw.com

SOKOLOSKI, WILLIAM AND CAROLYNE BARONE, MICHELLE RAY, EUGENE AND CYNTHIA RAY, WILLIAM ABEL, DEAN AND CONNY MASON, DAVID MCCARTNEY, PAUL AND PATRICIA WATERS, JAMES AND ANDREA LOWRY, R. ROBINSON, JR., THADDEUS R. AND BARBARA A. KUCYSNKSI, BEVERLY SUNDERS CARLSON, LISA ROECK, ELIZABETH JACKSON, CHARLES AND MARY KATHLEEN JENKINS, LINDA M. AND EARL K. RIGLER, JR., JOHN TWOMEY, JOE AND ANITA BRITTAIN, GILBERT J. HAGER AND KELLY HAGER HOLMES, CAROL AND CHRIS GILESPIE, JARED D. OVERCASH, AND WAVERLY AT HAMLIN PLANTATION TOWNHOME ASSOCIATION, INC.

Cc: All counsel of Record



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SC Court of Appeals

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Insurance Fee

\$

COD Fee

\$

Time Accepted

4:41 AM PM

10:30 AM Delivery Fee

\$

Return Receipt Fee

\$

Live Animal Transportation Fee

\$

Special Handling/Fragile

\$

Sunday/Holiday Premium Fee

\$

Total Postage & Fees

\$ 23.75

Weight

6 lbs. 6 ozs.

Acceptance Employee Initials

KJ

DELIVERY (POSTAL SERVICE USE ONLY)

Delivery Attempt (MM/DD/YY)

1/9

Time

 AM PM

Employee Signature

Delivery Attempt (MM/DD/YY)

1/9

Time

7:13 AM PM

Employee Signature

LABEL 114, OCTOBER 2016

PSN 7690-02-000-9996

3-ADDRESSEE COPY