

IN THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM Horry County
Court of Common Pleas

Larry B. Hyman, Jr.
Circuit Court Judge

RECEIVED
JAN 16 2018
SC Court of Appeals

Case No.: 2017-002642

Condo-World Development, LLC
and Heron Point Golf Club Limited Partnership.Respondent

v.

Myrtle Beach Golf & Yacht Club
Association, Inc.....Appellant

AND

Myrtle Beach Golf & Yacht Club
Association, Inc.....Appellant

v.

South State Bank.....Respondent

MOTION FOR EXTENSION OF TIME TO FILE AND SERVE APPELLANT'S RESPONSE
TO CONDO-WORLD DEVELOPMENT, LLC AND HERON POINT GOLF CLUB LIMITED
PARTNERSHIP'S MOTION TO DISMISS APPEAL, DATED DECEMBER 19, 2017

Christopher H. Pearce, Esquire
Kerry K. Jardine, Esquire
1314 Professional Drive
Myrtle Beach, South Carolina 29577
Telephone: (843) 839-3210

ATTORNEYS FOR APPELLANT,
MYRTLE BEACH GOLF & YACHT
CLUB ASSOCIATION, INC.



Appellant Myrtle Beach Golf & Yacht Club Association, Inc., by and through its undersigned attorneys, hereby moves this Court for an extension of time to file and serve Appellant's Response to Condo-World Development, LLC and Heron Point Golf Club Limited Partnership's Motion to Dismiss Appeal, dated December 19, 2017.

I. Appellant Requests an Extension of Time to File and Serve Appellant's Reply to Condo-World Development, LLC and Heron Point Golf Club Limited Partnership's Motion to Dismiss Appeal dated December 19, 2017.

Appellant respectfully requests fifteen (15) day extension to file and serve its Response to Condo-World Development, LLC and Heron Point Golf Club Limited Partnership's Motion to Dismiss Appeal, dated December 19, 2017. This is the second request for an extension. The basis for this second request for extension is that the trial court recently required an expedited scheduling of dispositive motions and necessarily related matters over the Appellant's objections. Hearings on those matters were scheduled to be heard earlier today at 9:00 am. In response thereto, Appellants' attorneys drafted and filed the following with the trial court:

- (i) a sixty (60) page Memorandum in Opposition to Plaintiffs' Motion for Summary Judgment;
- (ii) Amended Third Motion to Amend Pleadings;
- (iii) Amended and Second Motion for Continuance of Hearing on Plaintiffs' Motions;
and
- (iv) Memorandum in Support of Motion to Strike Plaintiffs' Expert Testimony.

The underlying workload relating to the above motions, related filings, and the attendance of multiple expert depositions has necessitated the attention of three of four senior attorneys and every paralegal (three) of Appellant's attorneys' law firm within the past two weeks (inclusive of holidays and weekends). Moreover, the Honorable Larry B. Hyman, Jr. required that Appellant be ready and prepared to argue motions regarding the below motions:

- (i) Appellant's Motion for a Continuance;
- (ii) Appellant's Motion for a Stay;
- (iii) Respondents' Motion for Summary Judgment;
- (iv) Appellant's Motion for Summary Judgment; and
- (v) Appellant's Motion to Strike Respondents' Expert.

In order to protect the record and Appellant's rights therein, Appellants counsel ahs been required to attend to these matters.

A hearing in the underlying matter was held this same date, January 16, 2018, in the Horry County Court of Common Pleas before the Honorable Larry B. Hyman, Jr. Judge Hyman. As a result thereof, Judge Hyman has ordered Plaintiffs and Defendant to prepare briefs and opposing orders on the above referenced motion to stay of the underlying matter in the Horry County Court of Common Pleas. These briefs and opposing orders specifically relate to the scope of the appellant stay which Appellant is also in the process of briefing for the Court of Appeals. It is the Appellant's position that the dispute over the scope of the appellant stay is exclusively within the Court of Appeals jurisdiction and Appellant has maintained that position throughout at both the trial court and appellant levels.

WHEREFORE, Appellant hereby moves for an Order granting an extension to February 1, 2018 to file its Response to Condo-World Development, LLC and Heron Point Golf Club Limited Partnership's Motion to Dismiss Appeal, dated December 19, 2017.

[SIGNATURE BLOCK FOLLOWS ON PAGE 4]

Dated: January 16, 2018

/s/ Christopher Pearce

Christopher H. Pearce, Esquire

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*Attorneys for the Appellant Myrtle Beach
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Other Counsel of Record:

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Attorneys for Respondents

*Condo-World Development LLC and Heron
Point Golf Club Limited Partnership*

Demetri K. Koutrakos, Esquire

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Attorney for Respondents

Heron Point Golf Club Limited Partnership

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Attorney for Respondent South State Bank

IN THE STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

APPEAL FROM Horry COUNTY – 15th CIRCUIT
Court of Common Pleas

Honorable Larry B. Hyman, Circuit Court Judge

Civil Action No.: 2015-CP-26-3173

RECEIVED

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SC Court of Appeals

Condo-World Development, LLC
and Heron Point Golf Club Limited PartnershipRespondent

vs.

Myrtle Beach Golf & Yacht Club
Association, Inc..... Appellant

AND

Myrtle Beach Golf & Yacht Club
Association, Inc.....Appellant

vs.

South State Bank.....Respondent

PROOF OF SERVICE

I certify that I have served the Motion for Extension of Time to File and Serve Appellant's Response to Condo-World Development, LLC and Heron Point Golf Club Limited Partnership's Motion to Dismiss Appeal, dated December 19, 2017, via electronic mail

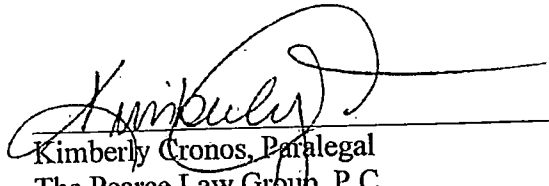
communication and by depositing a copy of it in the United States mail, postage prepaid on
January 16, 2018, addressed to the following attorneys of record:

Howell V. Bellamy, III, Esquire
Howell V. Bellamy, Jr., Esquire
The Bellamy Law Firm
P.O. Box 357
Myrtle Beach, SC 29578
***Attorneys for Respondents
Condo-World Development, LLC and
Heron Point Golf Club Limited Partnership***

Demetri K. Koutrakos, Esquire
Callison Tighe & Robinson, LLC
P. O. Box 1390
Columbia, SC 29202-1390
***Attorney for Respondent Heron Point
Golf Club Limited Partnership***

Audra M. Byrd, Esquire
Turner Padgett Graham & Laney, PA
P.O. Box 2116
Myrtle Beach, SC 29578
Attorney for Respondent South State Bank

Dated: January 16, 2018


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January 16, 2018

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SC Court of Appeals

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

Re: Condo-World Development, LLC and Heron Point Golf Club Limited Partnership,
Respondent v. Myrtle Beach Golf & Yacht Club Associations, Inc., Appellant
and
Myrtle Beach Golf & Yacht Club Association, Inc, Appellant. v. South State Bank,
Respondent
Appellate Court Case No.: 2017-02642

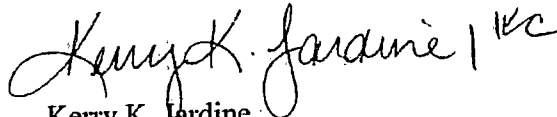
Dear Madam Kitchings:

Enclosed please find for filing the original and one copy each of the Motion for Extension of Time to file and Serve Appellant's Response to Condo-World Development, LLC and Heron Point Golf Club Limited Partnership's Motion to Dismiss Appeal, dated December 19, 2017 and corresponding Proof of Service, and ask that you return filed copies of the documents to my attention. Lastly, I have also enclosed a check in the amount of \$25.00 as payment of the filing fee.

Thank you in advance for your consideration.

Very truly yours,

THE PEARCE LAW GROUP, P.C.


Kerry K. Jardine

KKJ/klc

Encls.

cc: Howell V Bellamy, Jr., Esq., via electronic and First Class U.S. Mail
Howell V Bellamy, III, Esq., via electronic and First Class U.S. Mail
Audra M. Byrd, Esq., via electronic and First Class U.S. Mail
Demetri K. Koutrakos, Esq., via electronic and First Class U.S. Mail