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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
APR 17 2018
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 TO FILE FINAL BRIEF OF RESPONDENT

NOW COMES the Respondent, Carolina Construction Solutions, by and through
its/their undersigned counsel, and pursuant to Rule 240 and 263(b) of the South Carolina
Appellate Court Rules ("SCACR"), respectfully requests a forty-five (45) day extension of the
deadline for filing its/their Final Brief until such time the Appellants serve the Record on Appeal
in accordance with Rule 210 and 267 of the SCACR.

The Respondent was served with Appellants' Record on Appeal on April 9, 2018, thereby, pursuant to Rule 211 of the SCACR, the Final Brief of Respondent is required to be filed and served by April 30, 2018 (the actual due date of April 29, 2018 is a Sunday).

The Record on Appeal submitted by the Appellants is not in conformity with Rule 210 and 267 of the SCACR, and Respondent has submitted objections to same via correspondence to the Appellants. See Exhibit A, Correspondence to Walker Willcox.

WHEREFORE, for good cause shown, the Respondent respectfully requests this Honorable Court issue an Order granting the requested relief and permitting the Respondent to file and serve its/their Final Brief on or before June 14, 2018.

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
*Attorney for Respondent Carolina Construction
Solutions*

Dated: April 16, 2018

EXHIBIT A

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April 13, 2018

Walker H. Willcox, Esquire
Willcox, Buyck & Williams, P.A.
248 West Evans Street
Florence, South Carolina 29501

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
HBS File No.: 7479.0005

Dear Walker:

I am in receipt of your April 6, 2018, correspondence and have noted its contents. In response to the issues you have raised, please note the following:

Respondent's Designation of Matter to be Included in the Record on Appeal

Exhibit 5 – "Correspondence to Hyman serving Affidavit of Default as to Defendants Myron L. Hyman, Jr., Individually, and as Trustee of The Myron L. Hyman, Jr., - 1998 Trust, Under Agreement Dated June 30, 1998 As Amended (Dated June 17, 2016)." This correspondence was referenced/presented to the lower court at the May 17, 2017 Hearing on your motions. More specifically, page 10 lines 13-24 "So we started from there. The same lady signed the cards with the certified receipts for both Eagles Landing and the Hyman Trust. This was all back in March of '16. We provided a similar notice to them via certified mail, being the Trust -- or the Trustee at every stage; when we moved for default, when we moved for judgment by default, **and when I filed an affidavit of default.**" (emphasis added). The correspondence is part of the lower court's record and preserved for appellate review. If you need a copy for the Record on Appeal, I would be happy to provide one to you.

Exhibits 17- 20 – 17. CCS' Proposed Order of Reference (Filed October 24, 2017); 18. Order of Reference (Entered November 9, 2017); 19. Hyman's Motion to Reconsider (Filed November 20, 2017); 20. Order denying Hyman's Motion to Reconsider (Entered February 8, 2018). We withdraw these Exhibits from the Record on Appeal.

Appellant's Designation of Matter to be Included in the Record on Appeal

Exhibit 12 - Affidavit of Myron Hyman. This Exhibit was not presented to the lower court and therefore, is not properly included in the Record on Appeal. The Affidavit was neither

Walker H. Willcox, Esquire
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filed with the lower court or made part of the record at the May 17, 2017 Hearing on your motions. Your emailing of a faxed copy of the Affidavit to Judge Harrington's clerk on May 18, 2017, does not make the Affidavit part of the record, nor does it preserve the Affidavit for appellate review. As such, Mr. Hyman's Affidavit is not properly before the Court and should be withdrawn from the Record on Appeal.

Record on Appeal

- Respondent's Exhibit 1, and Appellant's Exhibit 17 are missing;
- Respondent's Exhibits 2, 4, 6, and 8 are buried in other exhibits, out of sequence and not presented as stated in Initial Brief of Respondent, or proposed by Respondent's Designation of Matter. Same goes with pleadings, i.e., Summons and Complaint, Motion for Default Judgment, etc. Please prepare Respondent's exhibits as stated in the Record on Appeal;
- Respondent's Exhibit 5, as stated above, is missing from the Record;
- Record on Appeal does not comply with Rule 267 of the Appellate Court Rules for the following reasons:
 - A. Although allowed to be copied on both sides, the type size is not in compliance with mandated 12-point type on every page;
 - B. All copies are not clearly legible. For example, pages 73 and 74, the green card, which goes to service, is completely blurred. If you need clear copies, please let me know.

In Short, there are several outstanding issues with the Record on Appeal. We will be filing a motion to extend the due date of Respondent's Final Brief, until such time the Record on Appeal is in proper form and contains the proper exhibits.

In conclusion, please advise as to your concurrence with withdrawing Appellant's Exhibit 12, and we look forward to an Amended Record on Appeal to review.

If you have any questions and/or concerns, please don't hesitate to contact me.

Very truly yours,



Alan R Belcher, Jr.

ARB/sb

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June 30, 1998 As Amended,

Appellants.

PROOF OF SERVICE

I hereby certify that I have served Respondent's *Motion for Extension to File Final Brief of Respondent* upon the Appellants by way of U.S. Mail, stamped First Class delivery, on April 16, 2018, addressed to Appellants' attorneys of record as follows:

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



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*Attorney for Respondent Carolina Construction
Solutions*

Dated: April 16, 2018

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P: (843) 720-3460 F: (843) 720-3479

April 16, 2018

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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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
HBS File No.: 7479.0005

Dear Ms. Spencer:

As it pertains to the above-referenced appeal, enclosed please find the original and six copies of Respondent's *Motion for Extension to File Final Brief of Respondent*. 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
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SUITE 301
MOUNT PLEASANT, SC 29464
UNITED STATES US

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ACTWGT: 1.00 LB
CAD: 103388659/INET3980

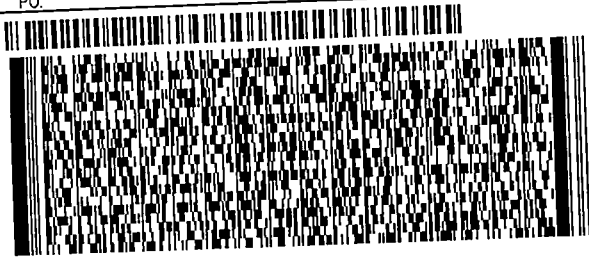
BILL THIRD PARTY

TO SHELBY SPENCER
SOUTH CAROLINA COURT OF APPEALS
1220 SENATE STREET

552.119132/DC45

COLUMBIA SC 29201

(803) 734-1890 REF: 7479.0005
INV: DEPT:



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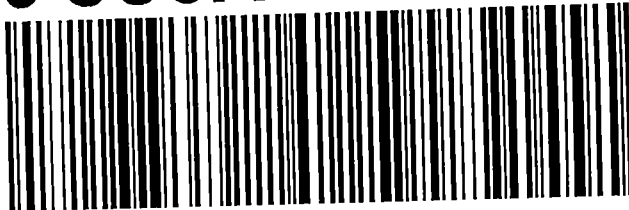
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SC Court of Appeals