

IN THE STATE OF SOUTH CAROLINA

89404

IN THE COURT OF APPEALS

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable Larry B. Hyman, Jr.
The Honorable Benjamin H. Culbertson

RECEIVED

MAR 28 2019

SC Court of Appeals

Appellate Case No. 2018-001221
Civil Action No.: 2016-CP-26-02377

In Re: Venture Engineering, agent for DT LLCRespondent

vs.

Horry County Zoning Board of AppealsAppellant

**APPELLANT HORRY COUNTY ZONING BOARD OF APPEALS'
MOTION FOR EXTENSION OF TIME TO FILE RECORD ON APPEAL**

Appellant Horry County Zoning Board of Appeals ("Appellant"), hereby respectfully moves the Court, pursuant to Rule 240(a), SCACR, for a twenty (20) day extension of time to file the Record on Appeal which is due April 1, 2019.

Respondent's Designation of Matter was not timely filed with the Respondent's Initial Brief, and following two telephone calls and a letter to Respondent's counsel requesting the Designation of Matter, Respondent's Designation of Matter was received by e-mail on Thursday, March 21, 2019. Based on the time delay in receiving Respondent's Designation of Matter and the time required to make the complete seven (7) transcripts of record compliant with Rule 210(c) of the South Carolina Appellate Court Rules, Appellant respectfully requests a twenty (20) day extension of time to file the Record on Appeal.

Wherefore, Appellant Horry County Zoning Board of Appeals contends that this appeal and the interest of justice will be served by granting said Appellant an extension of time, Appellant therefore respectfully prays the Court for an order granting the Appellant an extension of twenty (20) days to file its Record on Appeal.

Accordingly, Appellant requests the Court to enter an Order enlarging the time up to and including April 21, 2019, for the Appellant to submit its Record on Appeal. Appellant's counsel has consulted with Respondent's counsel, Robert S. Shelton, Esquire, and Mr. Shelton has consented to this request.

Respectfully submitted,

March 27, 2019



Emma Ruth Brittain, SC Bar #5298
Matthew R. Magee, SC Bar #15896
Thomas & Brittain, P.A.
Post Office Box 1290 (zip 29578)
Myrtle Beach, South Carolina
Telephone: 843-692-2628
Fax: 843-692-0928
E-mail: erbrittain@myrlaw.com
mmagee@myrlaw.com
Attorneys for the Appellant

RECEIVED

MAR 28 2019

SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM Horry COUNTY
Court of Common Pleas

The Honorable Larry B. Hyman, Jr.
The Honorable Benjamin H. Culbertson

Appellate Case No. 2018-001221
Civil Action No.: 2016-CP-26-02377

In Re: Venture Engineering, agent for DT LLCRespondent

vs.

Horry County Zoning Board of AppealsAppellant

PROOF OF SERVICE

I, Kimberly W. Nobles, an employee of Thomas & Brittain, P.A., certify that I have served all counsel of record with a copy of the Appellant Horry County Zoning Board of Appeals' Motion for Extension of Time to File Record on Appeal in the above-referenced matter by depositing a copy in the United States Mail, first class postage pre-paid on March 27, 2019, to the following counsel of record:

Robert S. Shelton, Esquire
Bellamy, Rutenberg, Copeland,
Epps, Gravely & Bowers, P.A.
1000 29th Avenue North
Myrtle Beach, South Carolina 29577

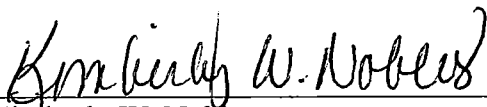
A Courtesy Copy to:
Wesley Covington, Esquire
41 Gasparilla Circle
Murrells Inlet, South Carolina, 29576

RECEIVED

MAR 28 2019

SC Court of Appeals

March 27, 2019



Kimberly W. Nobles
Thomas & Brittain, P.A.
Post Office Box 1290 (zip 29578)
Myrtle Beach, South Carolina
Telephone: 843-692-2628
Fax: 843-692-0928

RECEIVED

MAR 28 2019

SC Court of Appeals

Thomas & Brittain, P.A.

Attorneys at Law

4712 Jenn Drive, Suite B
Myrtle Beach, South Carolina 29577

MATTHEW R. MAGEE
MMagee@MYRlaw.com

Phone (843) 692-2628

Fax (843) 692-0918

Mailing Address:
Post Office Box 1290
Myrtle Beach, SC 29578

March 27, 2019

RECEIVED

MAR 28 2019

SC Court of Appeals

Via Federal Express and Fax Transmission

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

Re: In Re: Venture Engineering, agent for DT LLC vs. Horry County Zoning Board of Appeals
Appellate case No.: 2018-001221

Dear Ms. Kitchings:

Our firm represents the Horry County Zoning Board of Appeals in the above-referenced matter. Please find enclosed for filing the original and seven (7) copies of Appellant Horry County Zoning Board of Appeals' Motion for Extension of Time to File Record on Appeal and the Proof of Service in this case. Opposing counsel Robert Shelton has consented to this request. Also enclosed is our filing fee in the amount of \$50.00. Please return a stamped copy in the self-enclosed stamped envelope.

Please do not hesitate to contact our office if you have any questions.

Sincerely yours,

THOMAS & BRITTAIN, P.A.



Matthew R. Magee

MRM/kwn
Enclosures

cc: Robert S. Shelton, Esquire
Arrigo P. Carotti, Esquire, Horry County Attorney

ORIGIN ID:MYRA (843) 692-2628
MATTHEW R. MAGEE, ESQUIRE
THOMAS & BRITTAIN, P.A.
4712 JENN DRIVE, SUITE B

SHIP DATE: 27MAR19
ACTWGT: 0.50 LB
CAD: 2764948/INET4100

MYRTLE BEACH, SC 29577
UNITED STATES US

BILL SENDER

TO HONORABLE JENNY ABBOTT KITCHINGS
S.C. COURT OF APPEALS
1220 SENATE STREET

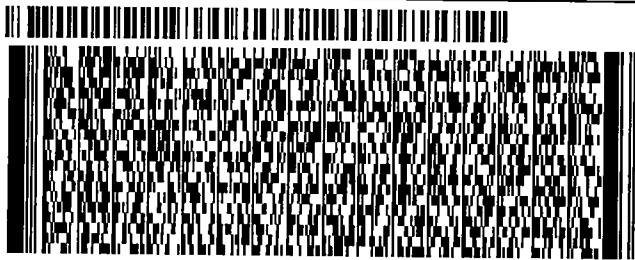
COLUMBIA SC 29201

(803) 734-1890

REF: FILE NO.6708.21

INV:
PC:

DEPT:



FedEx
Express



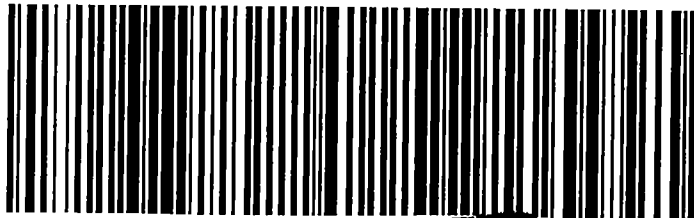
565J146D323AD

THU - 28 MAR 10:30A
PRIORITY OVERNIGHT

TRK# 7748 1432 7986
0201

28 USCA

29201
SC-US CAE



RECEIVED

MAR 28 2019

SC Court of Appeals

After printing this label:

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number. Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on fedex.com. FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1,000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.