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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Judge Marvin H. Dukes III, Master-in-Equity

RECEIVED
JUL 05 2019
SC Court of Appeals

APPELLATE COURT CASE NO. 2019-000928
COMMON PLEAS CASE NO. 2017-CP-07-00851

River City Developers, LLC Appellant,

v.

The Marshes at Lady's Island Homeowners' Association, Bundy Appraisal & Management, First Green, LLC, Tige Howie & Stephen Scott..... Respondents.

MOTION TO ALLOW LATE ORDERING OF THE TRANSCRIPTS

Appellant River City Developers, LLC hereby respectfully submits this motion in response to a letter it received from the Clerk of this Court dated June 25, 2019 in which this Court instructed Appellant to file a Motion to Allow Late Filing within ten (10) days of the date of said letter granting leave from the Court to request the transcripts of the hearings from the lower court outside of the ten (10) day window and file the same with the Office of Court Administration. As such, Appellant hereby moves this Honorable Court for an Order allowing it to request the transcripts from the hearings of the lower court outside of the ten (10) day time period and file the same with the Office of Court Administration. Please note Appellant has already made that request for transcripts as set forth in a letter dated June 18, 2019 that is

attached hereto as Exhibit A, and Appellant has received confirmation from the Court Reporter that the transcript will be timely prepared as set forth in Exhibit B to this motion.

July 3, 2019



Irish "Ryan" Neville (SC Bar #76513)

Stephen A. Spitz (SC Bar #5287)

STEVENS & LEE

151 Meeting Street, Suite 350

Charleston, SC 29401

Phone: 843-414-5080

irn@stevenslee.com

sasp@stevenslee.com

ATTORNEYS FOR APPELLANT

Other Counsel of Record:

Kevin W. Mims
Whidbee Sale Perrin
Luzuriaga Mims, LLP
50 Immigration Street, Suite 200
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Phone: 843-410-4713

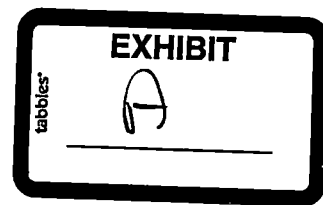
and

Michael A. Timbes
Thurmond Kirchner & Timbes
15 Middle Atlantic Wharf
Charleston, SC 29401

ATTORNEYS FOR RESPONDENTS

STEVENS & LEE
LAWYERS & CONSULTANTS

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Direct Dial: (843) 414-8864
Email: irn@stevenslee.com
Direct Fax: (610) 371-8594

June 18, 2019

Deborah S. Thomas, CVRM
Court Reporter to Judge Dukes
Master-in-Equity Office
Post Office Drawer 1228
Beaufort, SC 29901

Re: River City Developers, LLC v. The Marshes at Lady's Island Homeowners' Association, Bundy Appraisal & Management, First Green, LLC, Tige Howie & Stephen Scott

Appellate Case No.: 2019-000928
Circuit Court Case No.: 2017-CP-07-00851
Our File No.: 113518-00001

Dear Ms. Thomas:

River City Developers, LLC retained Stevens & Lee to represent it concerning the appeal of the above-referenced matter. I write to request the transcript of the hearing that took place on October 16, 2018 before Judge Dukes. I understand a second hearing took place on a motion to reconsider that was held on February 22, 2019, and I also would appreciate the transcript from that hearing. Please let me know if you have any questions or concerns. Thank you for your assistance.

Best regards,

STEVENS & LEE

A handwritten signature in black ink, appearing to read "I. R. Neville".

Irish Ryan Neville

cc: Clerk of Court for the South Carolina Court of Appeals
Counsel for Respondents
River City Developers, LLC (via e-mail only)

Neville, I. Ryan

From: Thomas, Deborah S. <dsthomas@bcgov.net>
Sent: Wednesday, June 19, 2019 8:13 AM
To: Neville, I. Ryan
Subject: RE: River City Developers v. Marshes on Ladys Island (Case# 2017CP0700851)

I will place your request in line to be prepared. Due to my backlog at this time, it will likely be six to eight weeks before I can get that transcript to you. Please feel free to contact me if you have any questions.

Deborah
803-206-7390 mbl
843-255-5712 ofc

From: Neville, I. Ryan <IRN@stevenslee.com>
Sent: Tuesday, June 18, 2019 3:38 PM
To: Thomas, Deborah S. <dsthomas@bcgov.net>
Cc: Smith, Barbara A. <BAS@stevenslee.com>
Subject: RE: River City Developers v. Marshes on Ladys Island (Case# 2017CP0700851)

Deborah: Thank you. Please see the attached requesting transcripts at your convenience. A hard copy will follow from my assistant, Barbara Smith (cc'd here), to you, Counsel for Respondents, and the Clerk of Court for the Court of Appeals. Please let me know if there are any questions or concerns. Again, thank you for your assistance.

Irish "Ryan" Neville

STEVENS & LEE
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151 Meeting Street, Suite 350 | Charleston, SC 29401
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Internal: 4104 | Fax: 610-371-8594
irn@stevenslee.com | www.stevenslee.com

From: Thomas, Deborah S. [<mailto:dsthomas@bcgov.net>]
Sent: Monday, June 17, 2019 8:18 AM
To: Neville, I. Ryan
Subject: RE: River City Developers v. Marshes on Ladys Island (Case# 2017CP0700851)

You are welcome to send your request via email and save the postage. I see the case caption above. Please include the date of the hearing and that you are willing to pay the customary charges. Otherwise, you may send a letter to the address below:

Deborah S. Thomas, CVRM
Court Reporter to Judge Dukes
Master-in-Equity Office
Post Office Drawer 1228

Beaufort, SC 29901
803-206-7390 mbl
843-255-5712 ofc

From: Neville, I. Ryan <IRN@stevenslee.com>
Sent: Friday, June 14, 2019 5:25 PM
To: Thomas, Deborah S. <dsthomas@bcgov.net>
Subject: River City Developers v. Marshes on Ladys Island (Case# 2017CP0700851)

Hey, Debra. I hope all is well.

Can I please get your mailing address so that I can send you a letter requesting the transcripts from the hearings I understand you transcribed in the above-referenced matter?

Irish "Ryan" Neville

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Email: irn@stevenslee.com
Direct Fax: (610) 371-8594

July 3, 2019

VIA OVERNIGHT DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

Re: River City Developers, LLC v. The Marshes at Lady's Island Homeowners' Association, Bundy Appraisal & Management, First Green, LLC, Tige Howie & Stephen Scott
Case No.: 2017-CP-07-00851
Our File No.: 113518-00001

Dear Ms. Kitchings:

Enclosed for filing, please find an original and one copy of Appellant's Motion to Allow Late Ordering of Transcript, Proof of Service, and a check for the \$50 filing fee. Please file the original, file-stamp the copy, and return the copy to me in the self-addressed, stamped envelope. If you have any questions, please do not hesitate to contact us.

Best regards,

STEVENS & LEE



Irish Ryan Neville

Enclosures

Cc: Respondents' Counsel
Office of Court Administration

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SC Court of Appeals

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THE STATE OF SOUTH CAROLINA
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PROOF OF SERVICE

I certify that I have filed, via overnight delivery, Appellant's Motion to Allow Late Ordering of the Transcripts, on July 3, 2019, with the Clerk of Court for the South Carolina Court of Appeal as well as the Office of Court Administration for the South Carolina Court of Appeals, and I have served the same upon Respondents, via overnight delivery, through their lawyers Kevin Mims, J. Barnwell Fishburne, Jr., and Whidbee S. Perrin with the law firm of Luzuriaga Mims, LLP at 50 Immigration Street, Suite 200, Charleston, SC 29403 as well as their co-counsel, Michael A. Timbes of Thurmond Kirchner & Timbes at 15 Middle Atlantic Wharf Charleston, SC 29401.

July 3, 2019



Irish "Ryan" Neville (SC Bar #76513)

Stephen A. Spitz (SC Bar #5287)

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ATTORNEYS FOR APPELLANT

ORIGIN ID:RBWA (843) 414-5080
RYAN NEVILLE, ESQUIRE
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151 MEETING STREET, SUITE 350

SHIP DATE: 03JUL19
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UNITED STATES US

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TO HONORABLE JENNY ABBOTT KITCHINGS
SC COURT OF APPEALS, CLERK OF COURT
1220 SENATE STREET

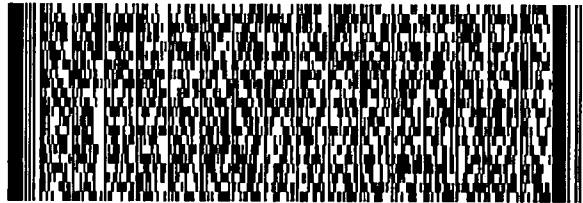
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SC Court of Appeals

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