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**THE STATE OF SOUTH CAROLINA**  
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas  
The Honorable Marvin H. Dukes, III, Master in Equity

**RECEIVED**  
DEC 09 2019  
SC Court of Appeals

Case No. 2014-CP-07-0052  
Appellate Case No. 2019-001270

Lady Beaufort, LLC & Tideland Realty, Inc.,.....*Appellants,*

v.

Hird Island Investments, Inc., Sherwood N. Fender, Addison D. Fender, Martha B. Fender,  
William B. Bowen, Lady Kemmerlin, LLC, Brickyard Holdings, Inc., and A&K Holding Co.,  
LLC, Defendants,

AND

William M. Bowen, Third-Party Plaintiff,

v.

James S. Kerr and Matt Trumps, Third-Party Defendants,

*Of Which Hird Island Investments, Inc. and Sherwood N. Fender are the Respondents.*

**APPELLANTS' CONSENT MOTION FOR LEAVE TO SERVE AND FILE  
RECORD ON APPEAL OUT OF TIME**

Appellants ("Lady Beaufort et al."), with consent of Respondents, respectfully move for  
leave to serve and file the Record on Appeal in this matter out of time. The grounds for this  
motion are as follows:

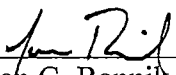
Lady Beaufort et al. timely filed this appeal on July 31, 2019 and timely served and filed their initial brief and designation of matter on August 27, 2019. Respondents timely served their initial brief and designation of matter on September 27, 2019, and Appellants' reply brief was timely served and filed October 7, 2019. The Record on Appeal was due to be served on November 6, 2019 but, due to an administrative oversight, was incorrectly calendared and was not served on that date.

Appellants request leave to serve and file the Record on Appeal in this matter out of time, with service to occur no later than December 12, 2019 and subsequent deadlines to run from that date pursuant to Rules 210 and 211 of the South Carolina Rules of Appellate Procedure. This request is made in good faith and not for the purpose of delay or inconvenience, and with consent of Respondents. No request for any extension has been made by Appellants prior to this motion.

WHEREFORE, Lady Beaufort et al. respectfully request that they be permitted to serve and file the Record on Appeal in this matter out of time.

This 6<sup>th</sup> day of December, 2019  
Charleston, South Carolina

Respectfully submitted,

  
\_\_\_\_\_  
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*ATTORNEYS FOR APPELLANTS*

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v.

James S. Kerr and Matt Trumps, Third-Party Defendants,

*Of Which Hird Island Investments, Inc. and Sherwood N. Fender are the Respondents.*

PROOF OF SERVICE

I certify that I have served Appellants' Consent Motion for Leave to Serve and File Record  
On Appeal Out of Time by depositing a copy in the United States Mail, Postage prepaid, on  
December 6, 2019, and via email, addressed to Respondents' attorney of record as follows:

H. Fred Kuhn, Jr., Esquire  
P.O. Drawer 507  
Beaufort, SC 29901  
[fred@mossandkuhn.com](mailto:fred@mossandkuhn.com)

[signature on following page]



By

Angela Gross

Legal Assistant to Jaan G. Rannik, Esq.

ANDREW K. EPTING, JR., LLC

46A State Street, Charleston, SC 29401

*Attorneys for Appellants*

# ANDREW K. EPTING, JR., LLC

ATTORNEYS AT LAW

ANDREW K. EPTING, JR. · AKE@EPTING-LAW.COM

JAAN G. RANNIK · JGR@EPTING-LAW.COM

December 6, 2019

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

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RE: *Lady Beaufort, LLC & Tidelands Realty, Inc. v. Hird Island Investments, Inc. and  
Sherwood Fender*  
Case No.: 2014-CP-07-0052  
Appellate Case No.: 2019-001270

Dear Ms. Kitchings:

Enclosed for filing please find the original and seven copies of Appellants' Consent Motion for Leave to Serve and File Record on Appeal Out of Time in the above-referenced appeal. I would greatly appreciate your filing the original and returning a file-stamped copy to me in the self-addressed, stamped envelope provided.

With kind regards,

ANDREW K. EPTING, JR., LLC

  
Angela Gross  
Legal Assistant to Jaan G. Rannik

/agg

Enclosures – as stated

cc: Fred H. Kuhn, Jr., Esquire (w/enc.)

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