

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Honorable Larry B. Hyman, Circuit Court Judge

Case No. 2020-000528

Vista Del Mar Condominium Association;
Dennis M. Merritt, Trustee of the Dennis M.
Merritt Living Trust; John J. Hawkins;
Eleanor N. Hawkins, Plaintiffs,

v.

Vista Del Mar Condominiums, LLC;
Atlantic Development Company, LLC;
Atlantic Coast Funding, LLC; and
John Doe, a Nominal Defendant
Representing all Persons or Entities
Unknown Who May Claim an Interest in
the Property that is the subject of this action,
Defendants,

And

Vista Del Mar Condominiums, LLC;
Atlantic Development Company, LLC;
Third-Party Plaintiffs,

v.

Barbara P. Swartz; Nancy S. Case; Winston-
Salem Daly Development, LLC; Charles F.
Weber; Mark L. Skowron, as Trustee of
Mark L. Skowron Revocable Trust dated
April 24, 2002 and Gail L. Skowron, as
Trustee of the Gail L. Skowron Revocable
Trust dated 04/24/2002; Norman W. Taylor,
Trustee of the Norman W. Taylor Revocable

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Jun 25 2020
SC Court of Appeals

Living Trust dated April 28, 2008; Tim Mitchell Development, LLC; Eric R. Sklut and Lori Levine Sklut; Fred C. Warehime and Patricia F. Warehime; James W. Blackburn, III and Peggy S. Blackburn; Barbara I. Bowser; KHDH, LLC; Beth G. Bauknight; Roderick D. Sanders (or his successor), as Trustee of the Amended and Restated Revocable Declaration of Trust of Anne Mallard Sanders u/a/d January 16, 2015; GGK Properties, LLC; Leon Levine and Sandra Levine; Joseph Moglia and Amy H. Moglia; Angela M. Mason, as Trustee of the Angela Mason Revocable Trust dated June 9, 2003 and amended and restated May 27, 2007; Dexter R. Barbee, Sr.; Daniel M. Talbert, Sr.; Craig W. Lawton; Craig W. Lawton; David N. Dalton; Janet W. Weed, Trustee of the Janet W. Weed Revocable Trust under Trust Instrument dated April 17, 2013; Robert H. Messier, Jr. and Janice H. Messier; Jeffrey Schneider, Trustee for the Jeffrey Schneider Revocable Trust dated August 1, 2017; Phillip Kleinman and Charisse D. Kleinman; Stephen Gatto and Camille Gatto; Lutz Real Estate, LP; Astorg Imports, Inc.; ABLP Properties, LLC; Sutton Children, LLC; Daniel C. Schuster and Mardell J. Schuster; Roy C. Putrino and Eileen M. Putrino; Spencer Squier and Sherri Squier; VDM 1004, LLC; Roger B. Matherly and Bonnie V. Matherly; ITAC 203, LLC; Rebecca R. Shroff and Kersi S. Shroff; Sandra P. Levine and Lori Ann Sklut, Co-Trustees of the Irrevocable Trust F/B/O Amy Beth Levine dated September 18, 1986; David E. Lukowski; Richard B. Kline and Leslie Kline; James P. Aplington and Carol D. Aplington; Michael L. Van Glish and Judith K. Van Glish; Anna A. Olsen; Anne Marie Murray; William J. Pridemore and Irina V. Pridemore; William B. Davidson and Julia Davidson; Bruce Alexander Henderson and Valerie Sokolov; Mark W. Lee; Sue David Kline; Thomas Mckiernan and Anne Mckiernan; Philip H. Strobl and

Amy Mott Strobl; James M. Faircloth and Sylvia Faircloth; Cheryl Jackson and Phillip H. Jackson; Weldon Riggs and Tiffany Riggs; Janet P. Merritt, Trustee of the Janet P. Merritt Living Trust U/A dated March 24, 2000; Melia Mooney Pavoris; William L. Mansfield and Patricia S. Mansfield; Stuart W. Gibbs and Helen R. Gibbs; Michael R. Blackburn and Pamela M. Blackburn; Jeffrey G. Edwards and Teresa T. Edwards; and Michael J. Wilk, Third-Party Defendants,

Of which Vista Del Mar Condominium Association; Dennis M. Merritt, Trustee of the Dennis M. Merritt Living Trust; John J. Hawkins; Eleanor N. Hawkins; Barbara P. Swartz; Nancy S. Case; Winston-Salem Daly Development, LLC; Charles F. Weber; Mark L. Skowron, as Trustee of Mark L. Skowron Revocable Trust dated April 24, 2002 and Gail L. Skowron, as Trustee of the Gail L. Skowron Revocable Trust dated 04/24/2002; Norman W. Taylor, Trustee of the Norman W. Taylor Revocable Living Trust dated April 28, 2008; Tim Mitchell Development, LLC; Eric R. Sklut and Lori Levine Sklut; Fred C. Warehime and Patricia F. Warehime; James W. Blackburn, III and Peggy S. Blackburn; Barbara I. Bowser; KHDH, LLC; Beth G. Bauknight; Roderick D. Sanders (or his successor), as Trustee of the Amended and Restated Revocable Declaration of Trust of Anne Mallard Sanders u/a/d January 16, 2015; GGK Properties, LLC; Leon Levine and Sandra Levine; Joseph Moglia and Amy H. Moglia; Angela M. Mason, as Trustee of the Angela Mason Revocable Trust dated June 9, 2003 and amended and restated May 27, 2007; Dexter R. Barbee, Sr.; Daniel M. Talbert, Sr.; Craig W. Lawton; Craig W. Lawton; David N. Dalton; Janet W. Weed, Trustee of the Janet W. Weed Revocable Trust under

Trust Instrument dated April 17, 2013; Robert H. Messier, Jr. and Janice H. Messier; Jeffrey Schneider, Trustee for the Jeffrey Schneider Revocable Trust dated August 1, 2017; Phillip Kleinman and Charisse D. Kleinman; Stephen Gatto and Camille Gatto, Lutz Real Estate, LP; Astorg Imports, Inc.; ABLP Properties, LLC; Sutton Children, LLC; Daniel C. Schuster and Mardell J. Schuster; Roy C. Putrino and Eileen M. Putrino; Spencer Squier and Sherri Squier; VDM 1004, LLC; Roger B. Matherly and Bonnie V. Matherly; ITAC 203, LLC; Rebecca R. Shroff and Kersi S. Shroff; Sandra P. Levine and Lori Ann Sklut, Co-Trustees of the Irrevocable Trust F/B/O Amy Beth Levine dated September 18, 1986; David E. Lukowski, Richard B. Kline and Leslie Kline; James P. Aplington and Carol D. Aplington; Michael L. Van Glish and Judith K. Van Glish; Anna A. Olsen; Anne Marie Murray; William J. Pridemore and Irina V. Pridemore; William B. Davidson and Julia Davidson; Bruce Alexander Henderson and Valerie Sokolov; Mark W. Lee; Sue David Kline; Thomas Mckiernan and Anne Mckiernan; Philip H. Strobl and Amy Mott Strobl; James M. Faircloth and Sylvia Faircloth; Cheryl Jackson and Phillip H. Jackson; Weldon Riggs and Tiffany Riggs; Janet P. Merritt, Trustee of the Janet P. Merritt Living Trust U/A dated March 24, 2000; Melia Mooney Pavoris; William L. Mansfield and Patricia S. Mansfield; Stuart W. Gibbs and Helen R. Gibbs; Michael R. Blackburn and Pamela M. Blackburn; Jeffrey G. Edwards and Teresa T. Edwards; and Michael J. Wilk, are the Appellants,

And

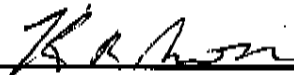
Of which Vista Del Mar Condominiums, LLC; Atlantic Development Company, LLC; Atlantic Coast Funding, LLC; and John Doc, a Nominal Defendant

Representing all Persons or Entities
Unknown Who May Claim an Interest in
the Property that is the subject of this action
are the Respondents.

**NOTICE OF PETITION AND PETITION FOR AN
AN EXTENSION OF TIME FOR APPELLANTS
TO FILE THEIR INITIAL BRIEF**

The Appellants, by and through counsel, hereby requests an extension of thirty (30) days to file their Initial Brief. Currently, the Appellant's Initial Brief will be due on June 26, 2020, and if this Petition is granted, the Appellant's Initial Reply Brief will be due on July 25, 2020. The Appellant submits that this Petition for Extension is not intended for purposes of delay. Further, counsel for Appellant has communicated regarding this matter with the counsel for Respondent, and Respondent's counsel has no objection to said extension.

**WRIGHT, WORLEY, POPE, EKSTER
& MOSS, PLLC**
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June 25, 2020

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Representing all Persons or Entities
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the Property that is the subject of this action
are the Respondents.

PROOF OF SERVICE

I certify that I have served a copy of the **Appellants' Notice of Petition and Petition for An Extension of Time For Appellants to File Their Initial Brief** in the above-captioned appeal on the following individuals by United States Mail, with sufficient first-class postage affixed, addressed as follows:

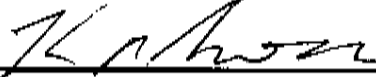
James Christopher Clark, Esquire
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Demetri K. Koutrakos, Esquire
Callison Tighe & Robinson, LLC
1812 Lincoln Street, Suite 200
P.O. Box 1390
Columbia, SC 29202-1390

**** signature page follows ****

**WRIGHT, WORLEY, POPE, EKSTER
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Attorneys for Appellants



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- and -

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June 25, 2020

WRIGHT, WORLEY, POPE, EKSTER & MOSS, PLLC

ATTORNEYS AT LAW
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Telephone (843) 281-9901 - Fax (843) 281-9903

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NAPOLEON B. BAREFOOT, JR.*
BOYD T. WORLEY
PRESTON B. HILTON
RICHARD S. "RICK" PARROTTE
CHRISTOPHER C. RUSSELL
BRITTANY C. MOORE*
THOMAS V. ALDRIDGE, JR.
LAURA A. HUNTER*
DAVID H. COOLEY*
MARTHA HENLEY SLEDGE (Retired)

D.F. McGOUGAN, JR.
(1921 - 1994)

OTHER OFFICES
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**licensed in NC & SC
*licensed in NC, DC & SC
*DRC-Certified Family Financial Mediator
*Of Counsel

June 25, 2020

**VIA U.S. CERTIFIED MAIL #7019 1120 0001 5888 4771;
RETURN RECEIPT REQUESTED**

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED

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SC Court of Appeals

RE: Enclosed Notice of Petition And Petition for An Extension of Time
For Appellants to File Their Initial Brief
Vista Del Mar Condominium Association, et al, Appellants, v. Atlantic Development
Company, LLC, et al, Respondents, Case No. 2017-CP-26-00424
Appellate Case No. 2020-000528
Our file no. SC-6791-003

Dear Ms. Kitchings:

Please find enclosed for filing one (1) unbound original and six (6) copies of Appellant's Notice of Petition and Petition for Extension of Time to File Their Initial Brief in the above referenced matter.

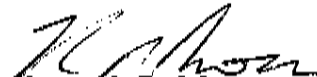
The filing fee in the amount of \$25.00 is also enclosed. Should this Petition be granted, it is my understanding that Appellant would be required to file and serve his Initial Reply Brief not later than July 25, 2020. Please let me know immediately if my calculation is incorrect.

I have included one (1) additional copy of the Petition and Proof of Service and would appreciate you returning clocked copies of same in the enclosed self-addressed, stamped envelope I have provided for your convenience.

June 25, 2020

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Page 2

Sincerely,


Kenneth R. Moss

cc: Robert E. Lee, Esquire
P.O. Box 1096
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Co-Counsel for Plaintiffs / Appellants

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Attorneys for Defendants / Respondents Atlantic Development Company, LLC and Atlantic Coast Funding, LLC

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 WHITEVILLE, NC
 SUPPLY, NC

*licensed only in SC
 **licensed in NC & SC
 *licensed in NC, DC & SC
 *DRC-Certified Family Financial Mediator
 *Of Counsel

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DATE: 6/25/2020
TO: The Honorable Jenny Abbott Kitchings – Clerk of Court
 South Carolina Court of Appeals
FAX: (803) 734-1839
FROM: Wright, Worley, Pope, Ekster and Moss, PLLC
RE: Vista Del Mar v. Vista Del Mar, LLC
 Appellate Case No. 2020-000528

Attachment:	# of Pages, including cover sheet
Notice of Petition and Petition for an Extension of Time For Appellants to File Their Initial Brief	16

CONFIDENTIALITY NOTICE: The information being transmitted in this facsimile message is being sent by or on behalf of a lawyer and may constitute information that is privileged or confidential, or otherwise legally exempt from disclosure. This message is intended for the exclusive use of the named recipient. If you are not the named recipient or an employee or agent responsible for delivering this message to the named recipient, you are not authorized to retain, read, copy or disseminate all or any part of this facsimile message. If you have received this facsimile message in error, please notify us immediately by telephone, destroy any hard copies. Thank you for your assistance.

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