

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Mikell R. Scarborough, Judge

Case No.: 2015-CP-10-7000

THELMA SMALLS DAVID, BERNARD  
BROWN, BENJAMIN SMALLS,  
EDWARD BROWN, NICOLETTE JAMES,  
ROBERT BROWN, THOMAS BROWN  
and DEBRA COMMODORE,

Appellants,

vs.

DONNA LEE COX, ROBERT R. COX,  
JR., SHAWN THACKERAY and  
LOWCOUNTRY HIGHLANDERS  
FARM LLC.

Respondents.

BOHICKET FARMS, LL,

Intervenor.

**RECEIVED**

**Jul 01 2020**

**SC Court of Appeals**

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**MOTION FOR EXTENSION OF TIME TO FILE NOTICE OF APPEAL IN THE  
COURT OF APPEALS**

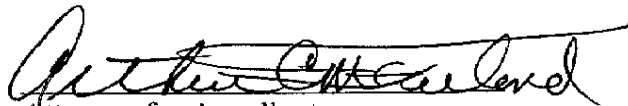
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Bernard Brown, Edward Brown, Robert Brown, Thomas Brown and Debra  
Commodore by and through their undersigned attorney hereby move before the Court of  
Appeals pursuant to Rule 263(b) for an extension of time to file the Notice of Intent to

Appeal in the Court of Appeals and pay the filing fee. This motion is based upon the following:

1. This is an appeal from the Final Order of the Honorable Mikell R. Scarborough dated January 28, 2020 received by Appellants' attorney on January 29, 2020.
2. Appellants served their Notice of Appeal upon opposing counsel on February 28, 2020 by regular mail. (See Exhibit A.)
3. Appellants' counsel e-filed the Notice of Appeal and the Proof of Service in the office of the Clerk of Court on February 28, 2020. (See Exhibit B)
4. On March 5, 2020, Appellants' counsel ordered a transcript of a hearing held on February 13, 2020 from the court reporter and copied all counsel of record as well as the S.C. Court Administration and S.C. Court of appeals on the letter of request. (See Exhibit C.)
5. It appears that a copy of the Notice of Intent to Appeal, Proof of Service, copy of the Order of the Master-in-Equity and filing fee were not filed in the Court of Appeals.
6. At the time of the filing, Counsel for the Appellant was without his legal assistant who has customarily handled these matters and therefore, did not realize that same had not been filed until the last 24 hours.
7. The COVID-19 disruption and closure of office operations account for part of the oversight herein as counsel has previously filed appeals in both the SC Supreme Court and Court of Appeals.

Counsel for Appellants believe that grant of this extension will not prejudice the Respondents herein in light of the continuing disruption of office and court operations.



Attorney for Appellants

1847 Ashley River Road, Suite 200

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Email: [Cecilesq@aol.com](mailto:Cecilesq@aol.com)

Charleston, S.C.

July 1, 2020

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**PROOF OF SERVICE**

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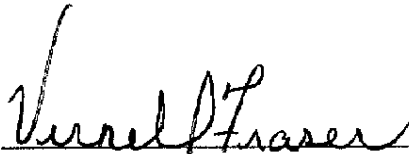
I, Virnell Fraser, Legal Assistant to Arthur C. McFarland, hereby certify  
that a copy of the Notice For Extension of Time to File Notice of Appeal in the Court of

Appeals submitted by the Appellants was sent to counsels for the Respondents and Intervenor by United States Mail, postage pre-paid and addressed as follows:

G. Dana Sinkler, Esq.  
2180 Rosebank Plantation Road  
Wadmalaw Island, S.C. 29487

Ainsley Fisher Tillman, Esq.  
715 King Street  
Charleston, S.C. 29403

Riley A. Bradham, Esquire  
404 Hendersonville Highway  
Walterboro, S.C. 29488

By:   
Legal Assistant to Arthur C. McFarland  
Attorney for Appellants

Charleston, S.C.

July 1, 2020

***Law Office of Arthur C. McFarland****Attorney at Law*

1847 Ashley River Road  
Suite 200  
Charleston, SC 29407

(843) 763-3900  
Fax (843) 763-5347  
e-mail: [cecilesq@aol.com](mailto:cecilesq@aol.com)

July 1, 2020

***VIA FAX (803.734-1839) AND REGULAR MAIL***

Honorable Jenny Abbott Kitchings  
S.C. Court of Appeals  
1220 Senate Street  
P.O. Box 11629  
Columbia, S.C. 29211

**RECEIVED**  
**Jul 01 2020**  
**SC Court of Appeals**

Re: Thelma Smalls David, et al. vs. Donna Lee Cox, et al.  
Case No.: 2015-CP-10-7000

Dear Ms. Kitchings:

Enclosed you will find the original and one (1) copy of the Motion for Extension of Time to File Notice of Appeal in the Court of Appeals with the Proof of Service regarding the above-referenced matter. Also enclosed is the filing fee in the amount of \$25.00.

With kindest regards, I am

Very truly yours,



Arthur C. McFarland

ACM/vlf

Enclosures

cc: G. Dana Sinkler, Esquire (Via facsimile)  
Ainsley Fisher Tillman, Esquire (Via facsimile)  
Riley A. Bradham, Esquire (Via facsimile)

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Phone: (843) 763-3900  
Fax: (843) 763-5347

**Law office of Arthur  
C. McFarland**

**RECEIVED**

**Jul 01 2020**

**SC Court of Appeals**

**Fax**

**To:** Honorable Jenny A. Kitchings  
**From:** Arthur C. McFarland, Esq.  
**Fax:** 803.734-1839  
**Pages:** 12  
**Date:** 7/1/2020  
**Phone:**  
**Re:** Thelma Smalls David, et al. vs. **CC:**  
Donna Lee Cox, et al.  
Case No.: 2015-CP-10-7000

**Urgent**     **For Review**     **Please Comment**    **Please Reply**     **Please Recycle**

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