

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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.

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SC Court of Appeals

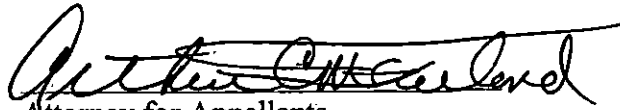
**MOTION FOR EXTENSION OF TIME TO FILE NOTICE OF APPEAL IN THE
COURT OF APPEALS**

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

Charleston, S.C. 29407

843.763-3900

843.763-5347 (fax)

Email: Cecilesq@aol.com

Charleston, S.C.

July 1, 2020

Exhibit A

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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NOTICE OF APPEAL

Bernard Brown, Edward Brown, Robert Brown, Thomas Brown and Debra
Commodore appeal the Final Order of the Honorable Mikell R. Scarborough dated January
28, 2020. Appellants' attorney received notice of the Final Order on January 29, 2020.

/s/ Arthur C. McFarland
Attorney for Appellants
1847 Ashley River Road, Suite 200
Charleston, S.C. 29407
843.763-3900
843.763-5347 (fax)
Email: Cecilesq@aol.com

Charleston, S.C.

February 28, 2020

Exhibit B

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Judge

Case No.: 2015-CP-10-7000

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FARM LLC.

Respondents.

BOHICKET FARMS, LL,

Intervenor.

PROOF OF SERVICE

I, Sheena D. Grant, Legal Assistant to Arthur C. McFarland, hereby certify
that a copy of the Notice of Appeal 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: /s/ Sheena D. Grant
Legal Assistant to Arthur C. McFarland
Attorney for Appellants

Charleston, S.C.

February 28, 2020

Law Office of Arthur C. McFarland

Attorney at Law

1847 Ashley River Road
Suite 200
Charleston, SC 29407

Exhibit C

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

March 5, 2020

BY EMAIL: Casmith@charlestoncounty.org

Ms. Christine Smith
Charleston County Master in Equity Court
100 Broad Street, Suite 266
Charleston, S.C. 29401

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

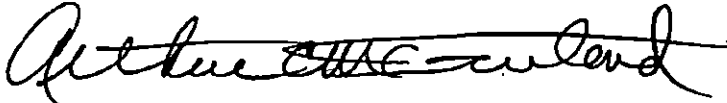
Dear Ms. Smith:

Please provide us with a copy of the transcript for the motion hearing held before Judge Mikell R. Scarborough on February 13, 2020 regarding the above-referenced matter.

Upon receipt of your invoice, we will forward payment to you for same.

With kindest regards, I am

Very truly yours,



Arthur C. McFarland

ACM/vlf

cc: G. Dana Sinkler, Esquire
Ainsley Fisher Tillman, Esquire
Riley A. Bradham, Esquire
S.C. Court Administration
S.C. Court of Appeals

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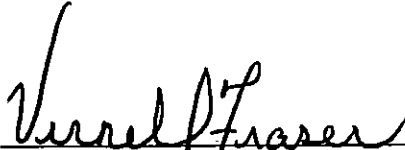
I, Virnell Fraser, Legal Assistant to Arthur C. McFarland, hereby certify
that a copy of the Notice For Extension of Time to File Notice of Appeal in the Court of

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

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 07 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)

Law Office of Arthur C. McFarland

1847 Ashley River Road, Suite 200
Charleston, S.C. 29407

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SC Court of Appeals

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