

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

AUG 10 2020

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

SC Court of Appeals

Mikell R. Scarborough, Judge

Case No.: 2020-000955

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.

MOTION FOR EXTENSION OF TIME TO FILE INITIAL BRIEF

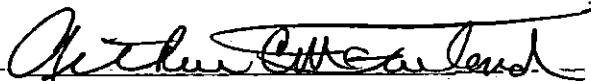
Arthur C. McFarland, Attorney for Appellants, hereby moves before the Court of Appeals pursuant to Rule 263(b) for an extension of time until August 24, 2020 to file the Initial Brief of Appellants. This motion is based upon the following:

1. On July 14, 2020, the undersigned was notified that his nephew Kevin L.

McFarland who resided in Hemet, California had passed earlier that day.

2. The undersigned is one of two immediate family members of Kevin residing in Charleston and undertook immediate steps to communicate with California authorities including the County Coroner to locate his remains; notify all other family members of Kevin's death; arrange for a California funeral home to take charge of his remains; arrange for the return of his remains to Charleston; identify and contract with a local funeral home to provide burial services; contract for a burial site; and make all other Charleston arrangements to bury him.
3. A funeral program is attached reflecting Kevin's graveside services on July 25, 2020.
4. While Kevin McFarland is the undersigned's nephew, he was raised as a sibling in the family.
5. The unexpected death of Kevin was a setback for counsel in meeting several deadlines in July including the preparation of the Initial Brief of Appellants in the within case.

The undersigned is a sole practitioner and believes that grant of this extension will not prejudice the Respondents herein:



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.

August 6, 2020

Do Not Stand at My Grave and Weep

Do not stand at my grave and weep
I am not there. I do not sleep.

I am a thousand winds that blow.
I am the diamond glints on snow.
I am the sunlight on ripened grain.
I am the gentle autumn rain.

When you awaken in the morning's hush
I am the swift uplifting rush
Of quiet birds in circled flight.
I am the soft stars that shine at night.

Do not stand at my grave and cry;
I am not there. I did not die.

Mary Elizabeth Frye

Acknowledgements

The Family of Kevin McFarland wishes to express our sincere appreciation for the many kind expressions of sympathy extended during this difficult time. We especially extend heartfelt thanks to:

- ◆ Rev. Arthur Evans, Sr., Officiating Minister
- ◆ Maria and Tony Robinson
- ◆ Miller-Jones Mortuary
- ◆ Music: Ebony Chorale of the Palm Beaches
Director: Orville Lawton, Ph.D.

Arrangements Entrusted to:
Fielding Funeral Home
122 Logan St.
Charleston, South Carolina

*In Loving
Memory*



Kevin Lamar McFarland
December 13, 1962—July 14, 2020

Graveside Service
Saturday, July 25, 2020

New Emanuel A.M.E. Cemetery
Charleston, South Carolina

His Story...

If I were to ever write my life story, I could truly say: "... I was just a piece of clay in the potter's hand."

Prince
"Beautiful, Loved, Blessed"

Kevin Lamar McFarland was born on December 13, 1962 in Columbus, Ohio. He spent his childhood years in Charleston, South Carolina raised by his maternal grandparents Thomasina and Joe McFarland. He was educated in parochial schools, graduated from the High School of Charleston and studied art at Limestone College and Claflin University. After spending time in Charleston, Kevin created his own path. He journeyed to New York City, and then spent the last few years in Hemet, California, the final leg of his journey, where he died on Tuesday, July 14, 2020.

Kevin grew up in a large loving family whose faith was solidly rooted and nurtured in church activities at Mother Emanuel A.M.E. Church and served as the foundation that influenced the way he treated people. He had a warm and endearing personality that generated friendships from the coast of Charleston to the Big Apple to the valleys of California. The moment he met you, he treated you like he's always known you. Kevin had a big heart with a willingness to help accomplish whatever you needed – it was his way of connecting with you.

Kevin's artistic talent was where he creatively expressed his innermost thoughts and ideas. His art included drawings, water paintings and ceramics – all marked with *KLM*. One lasting legacy of Kevin's talent that is cemented in the family history book is the Gadsden Family Reunion coat of arms (family crest). Created in 1980 as part of the inaugural Gadsden Family Reunion, Kevin sat at the feet of the elders planning the first gathering and heard the story of his ancestors. In honor of them, he designed the family crest as a means to connect generations to our family history. Each element of the crest showcased his talent, ancestral respect and love of our family. It had such deep meaning for Kevin that it inspired him to create the family motto "*A Core of Strength and Love*." For the last 40 years, the

family crest and symbols continue to stand as the focal point of family celebrations around the country. His creation has left an indelible mark on our family and is an enduring testament of his love and connection.

Waiting in the wings to welcome Kevin home are: his maternal grandparents Thomasina and Joe McFarland; his uncles Joe N. McFarland, John H. McFarland, William T. McFarland (Leola, deceased); and his aunt Thomasina McFarland Costley (Melvin). He is mourned by his: mother, Flora McFarland Handy Jackson (Billy – deceased) - West Palm Beach, FL; aunts Margie McFarland Gadsden (Benjamin - deceased) – Charleston, SC and Kim McFarland Knight (Clarence) – Columbus, OH; uncles Arthur C. McFarland (Elise) - Charleston, SC and Rayford B. McFarland (Leslie) - Temple Hills, MD; first cousins Renee Johnson, Melva Dobson, Celestine Tolbert, Kendra Abdulwali, Oronde B. Gadsden (Bianke), Janon A. Costley, Danielle McFarland, Kira J. McFarland, William J. McFarland (Tyneeka), Iman L. McFarland and Ayanna N. Knight; close friends Edward Blake and Maria and Tony Robinson; and a host of cousins, extended family members and friends.



Order of Service

Rev. Arthur Evans, Sr., Officiating Minister
Senior Pastor, Calvary Baptist Church

Opening Selection
"He'll Welcome Me"

Opening Prayer

Scripture Readings

Old Testament:
Psalms 91:1-2

New Testament:
1 Thessalonians 4:13-18

Selection
"Pray"

Obituary (read silently)

Family Reflection
Honorable Arthur C. McFarland

Words of Comfort
Rev. Arthur Evans, Sr.

Closing Selection
"Total Praise"

Closing Prayer

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PROOF OF SERVICE

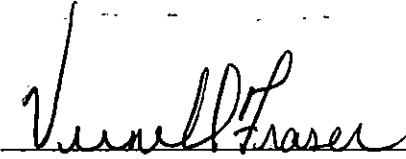
I, Virnell Fraser, Legal Assistant to Arthur C. McFarland, hereby certify
that a copy of the Motion For Extension of Time to File Initial Brief in the Court of

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.

August 6, 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

August 6, 2020

Ms. V. Claire Allen
S.C. Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

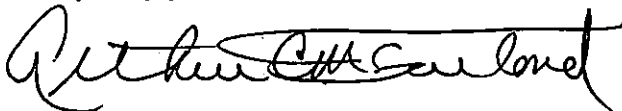
Re: Thelma Smalls David, et al. vs. Donna Lee Cox, et al.
Appellate Case No.: 2020-000955

Dear Ms. Allen:

Enclosed you will find the Motion for Extension of Time to File Initial Brief along with the Proof of Service regarding the above-referenced. Also enclosed is a check in the amount of \$50.00 for the Motion fee.

With kindest regards, I am

Very truly yours,



Arthur C. McFarland

ACM/vlf

Enclosures:

cc: G. Dana Sinkler, Esquire
Ainsley Fisher Tillman, Esquire
Riley A. Bradham, Esquire

Law Office of Arthur C. McFarland

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Charleston, S.C. 29407

CHARLESTON SC 294

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