

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM HORRY COUNTY  
Court of Common Pleas

The Honorable Larry B. Hyman, Jr., Circuit Court Judge  
Fifteenth Judicial Circuit

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Case No. 2017-CP-26-00424  
Appellate Case No. 2020-000528

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**RECEIVED**

**Aug 18 2020**

**SC Court of Appeals**

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

v.

Vista Del Mar Condominiums, LLC; Atlantic Development  
Company, LLC; Atlantic Coast Funding, LLC; 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

Atlantic Development Company, LLC and Atlantic Coast  
Funding, LLC, ..... Third-Party Plaintiffs,

v.

Barbara P. Swartz; Nancy S. Case; Winston Salem Daly  
Development, LLC; Charles F. Webber; 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; 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; p 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; 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; and Eleanor N. Hawkins; Barbara P. Swartz; Nancy S. Case; Winston Salem Daly Development, LLC; Charles F. Webber; 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; 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; Michael J. Wilk, are the ..... Appellants,

And

Of which 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, are the ..... Respondents.

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**RESPONDENTS’ MOTION FOR EXTENSION  
OF TIME TO FILE THEIR INITIAL BRIEF  
AND DESIGNATION OF MATTER**

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Pursuant to the South Carolina Appellate Court Rules, Respondents Atlantic Development Company, LLC and Atlantic Coast Funding, LLC, by and through their undersigned counsel, hereby move the Court for an order granting Respondents a 30-day extension of time, until September 21, 2020, in which to file and serve Respondents’ Initial Brief and Designation of Matter. Respondents’ Initial Brief and Designation of

Matter are currently due on August 21, 2020. Respondents would submit that this extension request is not intended for purposes of delay but, rather, is necessary due to counsel's work commitments and the time necessarily to be devoted to the briefing of the complex issues presented in this appeal.

This is Respondents' first request for extension, and Respondents would submit that no prejudice will inure to the Appellants by the granting of this Motion.

Respectfully submitted,

**CALLISON TIGHE & ROBINSON, LLC**

*s/ Demetri K. Koutrakos*

Demetri K. Koutrakos, SC Bar #11318

Harry A. Dixon, SC Bar #103509

1812 Lincoln Street, Suite #200

P. O. Box 1390

Columbia, SC 29202-1390

Telephone: 803-404-6900

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Email: [jimkoutrakos@callisontighe.com](mailto:jimkoutrakos@callisontighe.com)

Email: [harrydixon@callisontighe.com](mailto:harrydixon@callisontighe.com)

**ATTORNEYS FOR RESPONDENTS  
ATLANTIC DEVELOPMENT  
COMPANY, LLC AND ATLANTIC  
COAST FUNDING, LLC**

August 18, 2020

1448.217\Appeal\Extension

THE STATE OF SOUTH CAROLINA  
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And

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Beth G. Bauknight; Roderick D. Sanders (or his successor), as Trustee of  
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Of which 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, are the ..... Respondents.

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**PROOF OF SERVICE**

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I hereby certify that, on this date, the **Respondents’ Motion for Extension of Time to File Their Initial Brief and Designation of Matter** was served on Appellants’ counsel via AIS email, pursuant to Supreme Court Order dated March 20, 2020, as amended on May 29, 2020, as follows:

Kenneth R. Moss, Esquire  
Paul J. Ekster, Esquire  
Wright, Worley, Pope, Ekster & Moss, PLLC  
628-A Sea Mountain Highway  
North Myrtle Beach, SC 29582  
Email: [Kennethmoss@wwpemplaw.com](mailto:Kennethmoss@wwpemplaw.com)  
Email: [paul@wwpemplaw.com](mailto:paul@wwpemplaw.com)

Robert E. Lee, Esquire  
P. O. Box 1096  
Marion, SC 29571  
Email: [rel@rellawfirm.com](mailto:rel@rellawfirm.com)  
(Attorneys for Appellants)

A copy of the service email is attached hereto, as required.

I further certify that all parties required by Rule to be served have been served.

*s/ Demetri K. Koutrakos*

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Demetri K. Koutrakos

August 18, 2020  
Columbia, South Carolina

## Kathy Romero

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**From:** Kathy Romero  
**Sent:** Tuesday, August 18, 2020 6:34 PM  
**To:** Kenneth Moss; Robert E. Lee  
**Cc:** Jim Koutrakos; Harry Dixon  
**Subject:** Vista Del Mar Condominium Association, et al. vs. Atlantic Development Company, LLC, et al. / Appellate Case No. 2020-000528  
**Attachments:** Extension Motion.pdf; Proof of Service - Extension.pdf; Clerk.001.pdf

Dear Mr. Moss and Mr. Lee,

Attached please find Respondents Atlantic Development Company, LLC and Atlantic Coast Funding, LLC's Motion for Extension of Time to File Their Initial Brief and Designation of Matter, Proof of Service, and letter to the appellate clerk regarding the above-referenced matter. The attached documents are being submitted today to the Court of Appeals for filing. Thank you.

With kind regards,

Kathy Romero  
Legal Assistant to Demetri "Jim" K. Koutrakos, Esq.  
Callison Tighe & Robinson, LLC  
1812 Lincoln Street, Suite #200  
P. O. Box 1390  
Columbia, SC 29202-1390  
Telephone: 803-404-6900  
Facsimile: 803-404-6902  
Email: [kathyromero@callisontighe.com](mailto:kathyromero@callisontighe.com)

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Demetri "Jim" K. Koutrakos  
803-404-6900  
[JimKoutrakos@callisontighe.com](mailto:JimKoutrakos@callisontighe.com)

August 18, 2020

**RECEIVED**  
**Aug 18 2020**  
**SC Court of Appeals**

**VIA EMAIL:** [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)  
The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
P. O. Box 11629  
Columbia, SC 29211

RE: Vista Del Mar Condominium Association, *et al.* vs. Atlantic  
Development Company, LLC, *et al.*  
Appellate Case No. 2020-000528

Dear Ms. Kitchings:

Enclosed herewith please find the Respondents Atlantic Development Company, LLC and Atlantic Coast Funding, LLC's Motion for Extension of Time to File Their Initial Brief and Designation of Matter, together with the Proof of Service, in the above-referenced matter. Kindly file the same and return a clocked-in copy of each to the undersigned via return email. It is my understanding that, pursuant to Supreme Court Order dated March 20, 2020 as amended, no filing fee is required for this Motion.

The enclosed documents have been served upon Appellants' counsel today via email as indicated in the Proof of Service.

Please feel free to contact me with any questions. Thank you.

With kind regards, I am

Sincerely yours,

CALLISON TIGHE & ROBINSON, LLC

*s/ Demetri "Jim" K. Koutrakos*

Demetri "Jim" K. Koutrakos

DKK:ksr  
Enclosures  
cc (via email): Kenneth R. Moss, Esquire  
Robert E. Lee, Esquire  
Harry A. Dixon, Esquire  
1448.217\Appeal\Clerk.001