

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

Sep 16 2020

SC Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

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

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

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;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 Tiffiany 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.

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

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, with the consent of Appellants, for an order granting Respondents a 30-day extension of time, until October 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 September 21, 2020. This extension request is not intended for purposes of delay but, rather, is necessary due to counsel's work commitments, trial preparation for a nonjury trial that was supposed to start today but was disposed of early this week, the time necessarily to be devoted to the briefing of the complex issues presented in this appeal, and the time necessary to receive approval and comments from the multiple clients represented by the undersigned.

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

Respondents also represent to the Court that Appellants have consented to this request pursuant to their signatures below.

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
Facsimile: 803-404-6902
Email: jimkoutrakos@callisontighe.com
Email: harrydixon@callisontighe.com

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

September 16, 2020

I CONSENT:

s/ Robert E. Lee

Robert E. Lee, SC Bar No. 63052

P. O. Box 1096

Marion, SC 29571

Telephone: 843-423-1313

Email: rel@rellawfirm.com

s/ Kenneth R. Moss

Kenneth R. Moss, SC Bar No. 11520

Wright, Worley, Pope, Ekster & Moss, PLLC

628-A Sea Mountain Highway

North Myrtle Beach, SC 29582

Telephone: 843-281-9901

Email: kennethmoss@wvpeplaw.com

Email: laurahunter@wvpeplaw.com

ATTORNEYS FOR APPELLANTS

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

Sep 16 2020

SC Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

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

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

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; 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;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 Tiffiany 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.

PROOF OF SERVICE

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
Wright, Worley, Pope, Ekster & Moss, PLLC
628-A Sea Mountain Highway
North Myrtle Beach, SC 29582
Email: Kennethmoss@wwpemlaw.com

Robert E. Lee, Esquire
P. O. Box 1096
Marion, SC 29571
Email: 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
Demetri K. Koutrakos

September 16, 2020
Columbia, South Carolina

Kathy Romero

From: Kathy Romero
Sent: Wednesday, September 16, 2020 3:47 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: Second Extension Motion.pdf; Proof of Service - Extension2.pdf; Clerk.002.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

RECEIVED
Sep 16 2020
SC Court of Appeals

The information contained in this electronic message contains privileged and confidential information intended only for the use of the addressee named above. If you are not the intended recipient of this e-mail, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this e-mail is strictly prohibited. If you received this e-mail in error, please immediately notify us by telephone and permanently delete the e-mail and destroy any printed copies immediately. Thank you.

Demetri "Jim" K. Koutrakos
803-404-6900
JimKoutrakos@callisontighe.com

September 16, 2020

RECEIVED
Sep 16 2020
SC Court of Appeals

VIA EMAIL: 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. Appellants' counsel has consented to this extension as indicated in the 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.002