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Aug 09 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Honorable Larry B. Hyman, Circuit Court Judge

Case No. 2020-000528

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

v.

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,
Defendants,

And

Vista Del Mar Condominiums, LLC;
Atlantic Development Company, LLC;
Third-Party Plaintiffs,

v.

Barbara P. Swartz; Nancy S. Case; Winston-
Salem Daly Development, LLC; Charles F.
Weber; 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; 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 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; and 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; Eleanor N. Hawkins; Barbara P. Swartz; Nancy S. Case; Winston-Salem Daly Development, LLC; Charles F. Weber; 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; 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 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; and 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.

**NOTICE OF PETITION AND PETITION FOR
AN EXTENSION OF TIME FOR APPELLANTS
TO FILE ADDITIONAL COPIES OF BOUND RECORD ON
APPEAL, SUPPLEMENTAL RECORD ON APPEARL
AND FINAL BRIEF**

The Appellants, by and through counsel, hereby requests an extension of three (3 days) to file an additional copy of the Record on Appeal, Supplemental Record on Appeal and Final Brief as requested in the letter dated July 28, 2021. Currently, the Record on Appeal, Supplemental Record on Appeal and Final Brief the Record on Appeal is due on August 9, 2021, and if this Petition is granted, the Record on Appeal will be due on August 12, 2021. The Appellant submits that this Petition for Extension is not intended for purposes of delay. Further, counsel for Appellant has communicated regarding this matter with the counsel for Respondent, and Respondent’s counsel has no objection to said extension.

**WRIGHT, WORLEY, POPE, EKSTER
& MOSS, PLLC**
Attorneys for Appellants

s/Kenneth R. Moss

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August 9, 2021

Other Counsel of Record:

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v.

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,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
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the Gail L. Skowron Revocable Trust dated 04/24/2002; Norman W. Taylor,
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Peggy S. Blackburn; Barbara I. Bowser; KHDH, LLC; Beth G. Bauknight;
Roderick D. Sanders (or his successor), as Trustee of the Amended and Restated
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Amy H. Moglia; Angela M. Mason, as Trustee of the Angela Mason Revocable
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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 certify that I have served a copy of the **Appellants’ Notice of Petition and Petition for An Extension of Time For Appellants to File Additional Copies of Bound Record on Appeal, Supplemental Record on Appeal and Final Brief** in the above-captioned appeal on the following individuals by United States Mail, with sufficient first-class postage affixed, addressed as follows:

James Christopher Clark, Esquire
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Myrtle Beach, SC 29578

Demetri K. Koutrakos, Esquire
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P.O. Box 1390
Columbia, SC 29202-1390

*** signature page follows ***

**WRIGHT, WORLEY, POPE, EKSTER
& MOSS, PLLC**
Attorneys for Appellants

August 9, 2021

s/Kenneth R. Moss

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