

IN THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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**Mar 30 2022**

**SC Court of Appeals**

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The Honorable Marvin H. Dukes, III  
Beaufort County  
Trial Court Case No. 2020-CP-07-0231

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APPELLATE CASE NO. 2022-000277

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Georgia Harrison, Barbara Harrison,  
Joyce Ellen Harrison, William S. Harrison III,  
Stanley Roberts, and  
Diana Mendheim, Individually and As Attorney In Fact,

Respondents,

vs.

Stephanie Lorraine Kirkland, Gary Lamont Kirkland,  
Kieta Nicole White, and Cheryl Kirkland,

Appellants.

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**RESPONDENTS' OBJECTION TO APPELLANTS' REQUEST FOR EXTENSION OF  
TIME TO FILE REPLY TO RESPONDENTS' RETURN TO APPELLANTS' MOTION  
PURSUANT TO RULE 241(A)**

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INTRODUCTION

Currently pending before this Court is the Appellants' Motion Pursuant To Rule 241(A), filed on March 17, 2022. The Respondents filed their Return on March 28, 2022 requesting the Motion be denied on a procedural basis, because it fails to comply with the South Carolina Appellate Court Rules, and on a substantive basis, because it is unsupported by law or statute. In

response, Appellants have now petitioned the Court for an extension of time until April 20, 2022 to file their Reply to the Return, premised upon claim that they need a transcript of “the last hearing” before Judge Dukes of March 21, 2022. Because the hearing of March 21, 2022 had nothing to do with the pending Motion, the Respondents urge the Court to deny the request for additional time.

#### ARGUMENT AND CITATION OF AUTHORITY

By this request, the Appellants seek to continue the unwarranted delays in this case. The hearing held by Judge Dukes on March 21, 2022, was a hearing on the Plaintiffs/Respondents’ then-pending Motion for Master’s Deed Conveying Ownership Interests Of All Owners Of Property To Rotunda Land & Development Group, LLC, And For Order Directing Clerk Of Court To Hold Proceeds Of Sale Of Deceased Owners Pending Resolution Of Estates, as was filed on March 11, 2022. At the March 21, 2022 hearing, following argument of counsel, Judge Dukes *sua sponte* advised the parties that he had reviewed the Appellants’ Motion For Stay Pursuant to Rule 241(A) on the Court of Appeals website, and felt constrained to hold any ruling on the motion then before him, in abeyance until this Court ruled upon the pending Motion for Stay. Judge Dukes advised the parties to let him know when the Court of Appeals ruled on the Appellants’ Motion For Stay and that he would then, if appropriate, hear the parties for further consideration of the Plaintiff’s Motion for Master’s Deed.

The transcript of the March 21, 2022 hearing will not assist this Court with its analysis of the pending Motion for Stay because the issue is a matter of law and the Respondents’ Return shows that the Appellants’ filing failed to meet this Court’s rules, and even if the Court reaches the merits of the Motion, a decision based on Rule 241 is again, a matter of law that this Court can and should render without further delay for a transcript of a hearing that did not address the facts

underlying the Motion and from which no Order emanated. Further, if the Appellants actually believed that the transcript of the March 21, 2022 hearing before Judge Dukes was important or supportive of its Motion for Stay, they clearly would have made mention of the hearing and need for the transcript in the original filing of the Motion, and not waited until the Respondents filed their Return noting the procedural insufficiencies of the Motion. It would be inappropriate for this Court to now allow the Appellants to boot-strap the submission of the transcript through their Reply and argue that they met the requirements of the Rules for supporting documentation with the motion.

### CONCLUSION

The Plaintiffs/Respondents urge the Court to deny the Appellants' request for extension to file their Reply, and further urge the Court to expeditiously address the pending Motion by either denying same or requiring the posting of the requested Nine Million Seven Hundred Fifty Thousand (\$9,750,000) bond as a condition of any stay granted.

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Hilton Head Island, South Carolina  
March 30, 2022