

RECEIVED

Apr 27 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

Case No. 2021-CP-07-01231

Historic Beaufort Foundation

Appellant,

v.

City of Beaufort, City of
Beaufort Historic District
Review Board, and The
Beaufort Inn, LLC,

Respondents.

AND

West Street Farms, LLC and
Mix Farms, LLC,

Appellants,

v.

City of Beaufort, City of
Beaufort Historic District
Review Board, and The
Beaufort Inn, LLC,

Respondents.

MOTION TO FILE REQUEST FOR TRANSCRIPT OUT OF TIME

Appellants West Street Farms, LLC, and Mix Farms, LLC through undersigned counsel, hereby respectfully requests, under Rule 263 and Rule 207(a), SCACR, that the Court of Appeals allow them to file the proof of request for preparation of the transcript out of time.

This matter arises out of similar appeals of the same decision of the City of Beaufort Historic District Review Board. The appeal before the circuit court was consolidated for hearing and was argued before the Honorable Bentley Price on January 6, 2022.

After the circuit court's decision, both sets of appellants timely appealed the ruling to the Court of Appeals and the Court subsequently consolidated these appeals for consideration.

Mr. John Massalon, representing the Historic Beaufort Foundation, timely requested the transcript from the court reporter as required by Rule 207(a) on March 14, 2022. As a result of Mr. Massalon's earlier request, the court reporter is currently preparing this transcript.

Undersigned counsel for Mix Farms, LLC and West Farms, LLC mistakenly believed that he had requested this same transcript for his clients as well, but he had not. On discovering the error on April 25, 2022, he contacted the court reporter by email, notifying all parties as required by the Appellate Rules.

On further instruction from the Court, undersigned counsel has this date, April 26, 2022, again requested this same transcript, agreeing to pay the fees involved on his clients' behalf, copying all parties, and has also filed this Motion to Provide the Request for Transcript under Rule 207(a) Out of Time.

As the request for the transcript had earlier been made by counsel for the other appellant, no delay to any party, the Court, or to the process will result from granting this request.

Undersigned counsel respectfully requests the Court allow the filing of the Request for Transcript out of time.

Respectfully submitted,

/s/ W. Andrew Gowder, Jr.
W. Andrew Gowder, Jr.
1629 Meeting Street, Suite A
Charleston, South Carolina
29405
(843) 727-0060
andy@austengowder.com
Attorney for Appellants

Other Counsel of Record:

Benjamin "Ned" E. Nicholson V
G. Wade Leach, III
Burr & Forman LLP
1221 Main Street, Suite 1800
Columbia, SC 29201
(803) 799-9800

Attorneys for Beaufort Inn, LLC

William B. Harvey, III
Harvey & Battey, PA
P.O. Box 1107
Beaufort, SC 29901
(843) 524-3109
Attorneys for City of Beaufort and
City of Beaufort Historic District
Review Board