

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY  
Court of Common Pleas

Honorable Marvin H. Dukes, III, Master In Equity and Special Circuit Court Judge

APPELLATE CASE NO.: 2022-000475

Coffin Point Plantation Homeowners Association, Inc.

Appellants,

vs.

The State of South Carolina, Estate of Charles H. Lyman, The St. Helena Company, Its Successors or Assigns, The Estate of J.D. Cameron a/k/a J. Donald Cameron, The Estate of J.E. McTeer, Wilma Clark, Jeanine Skok, Lawrence Casler, Dean Morrissey, Carol Morrissey, Ralph Netherland, Gloria Netherland, Special Trust of William B. Fahrner, Mark Heles, Beverly Heles, David Smith, Lynn Smith, LiLi, LLC, Revocable Living Trust of Thomas Walterhoefer, Ceclily Deegan McMillan, Steven Teets, Lucinda Teets, Beverly Boulware, Russell Waldon, Nicolette Waldon, David Shaffer, Delora Cook, Gerald Hartwig, Carol Hartwig, Paulette Brown, Benjamin Couch, Thomas S. Clark Family Living Trust, Euniceteen Diggs, Janet Kathleen Reynolds Trust, Slade Family Revocable Trust, David C. Strother, Andrew Seward, Ashley Heath Madilon, Arnold Hollis, Lillian Hollis, Jennifer Allen, Zia As Exchange Company, LLC, Qualified Intermediary for Barbara J. Bailey Limited Partnership, Travis Washington, Janet Embly, Trustee and Individually, William S. Embly, Trustee and Individually, Scott Simmons Omari Trust, Mary Hudson, Rachelle Carolynne Owens Revocable Trust, Gerald Hartwig, Carol Hartwig, Gerald L. Wayne, Vivian M. Wayne, Lorrie Gaskin Germann, Grant Martin Germann, Gregory J. Giardina, Melissa Basenburg, Mark M. Hazard, Micah L. Myers, Jennifer J. Myers, John Joseph Edwards, Nancy Jean Edwards, Preston Ventures, LLC, Donald Lunardini, Kristina Barbara Moore Lunaradini, Melissa Uhlman Revocable Trust and All Other Persons Known or Unknown Having Any Interest, Title, Estate or Interest In Or Lien Upon the Real Property Described in the

96461  
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Complaint Herein Through the Above Defendants or Any Other Source Being Designated Collectively As John Doe and Mary Roe Including All Persons Who May Be Deceased, Minors, Persons in the Armed Forces of the United States of America, Insane or Incompetent Persons, and All Other Persons Under Any Other Disability Who Might Have or Claim to Have Any Right, Title or Interest in or Lien Upon the Real Property Described in the Complaint.

Respondents.

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MOTION TO BE RELIEVED AS COUNSEL

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PLEASE TAKE NOTICE that H. Fred Kuhn, Jr., Esquire hereby moves to be relieved as Counsel for the Appellant, Coffin Point Plantation Homeowners Association, Inc. and for a temporary stay. On May 14, 2022 Appellant's undersigned counsel was injured and suffered fractures to his cervical spine (C7), his thoracic spine (T1, T2, T3, T4 and T7), rib fractures (6, 7, 8, 9 and 10), a punctured lung and fractures to his right and left arms/wrists. Appellant's Counsel underwent surgery on May 23, 2022. As a result of Counsel's complex physical injuries and the recovery time, Counsel will be unable to continue with Appellant's representation.

Counsel for Appellant would respectfully request that he be relieved from representation of Appellant and that a stay of this Appeal be issued in order to allow Appellant time in which to obtain new counsel.

This motion is made upon the ground that the relief as requested would be in the best interest of justice and would not prejudice the Respondents.

It is accordingly respectfully requested that H. Fred Kuhn, Jr., Esquire be relieved as counsel for the Appellant and that a stay be issued in order for Appellant to obtain new counsel.

Respectfully submitted,

MOSS & KUHN, P.A.

By: H. Fred Kuhn, Jr.

H. Fred Kuhn, Jr.  
1501 North Street  
Post Office Drawer 507  
Beaufort, South Carolina 29901  
(843)524-3373  
(843)524-1302- FX

Beaufort, South Carolina

June 9, 2022

*Attorneys for Appellant*

I Consent:

Vivian Wayne, President  
Coffin Point Plantation Homeowners Association, Inc.  
62 Saltwind Drive  
St. Helena Island, South Carolina 29920

THE STATE OF SOUTH CAROLINA  
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APPELLATE CASE NO.: 2022-000475

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Coffin Point Plantation Homeowners Association, Inc.,

Appellant

v.

State of South Carolina

Respondents.

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CERTIFICATE OF SERVICE

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The undersigned certifies that the **Motion to be Relieved as Counsel** to which this certificate is affixed, was served upon the parties to this action by depositing a copy of the same, enclosed in a first class, postpaid wrapper properly addressed to the following:

Alan Wilson, Attorney General  
Robert D. Cook, Solicitor General  
Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211

Mary D. Shahid, Esquire  
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Post Office Box 486  
Charleston, South Carolina 29402

Ralph V. Baldwin, Jr., Esquire  
Post Office Box 238  
Port Royal, South Carolina 29935

*Guardian ad Litem for The Estate of J.D. Cameron a/k/a J. Donald Cameron,  
The Estate of J. E. McTeer and All Other Parties Known or Unknown Having  
Any Interest, Title, Estate or Interest In or Lien Upon the Real Property Described  
Complaint*

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Ralph Netherland and Gloria Netherland  
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Mark Heles and Beverly Heles  
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Mr. Tom McDonald  
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Cecily Deegan McMillan  
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St. Helena Island, South Carolina 29920

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Delora Cook  
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Benjamin Couch  
Paulette Brown  
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Thomas S. Clark Family Living Trust  
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Janet Kathleen Reynolds Trust  
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Slade Family Revocable Trust  
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Chapin, South Carolina 29036

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Ashley Heath Madilon  
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Jennifer Allen  
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ZIA Exchange Company, LLC  
Qualified Intermediary for The Barbara  
J. Bailey Limited Partnership  
705 Washington Street  
Beaufort, South Carolina 29902

Travis Washington  
81 McTeer Drive  
St. Helena Island, South Carolina 29920

William S. Embly, Trustee and Individually  
Janet Embly Trustee and Individually  
151 McTeer Drive  
St. Helena Island, South Carolina 22920

Scott Simmons Omari Trust  
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Winston-Salem, North Carolina 27106

Mary Hudson  
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Ithaca, New York 14850

Rachelle Carolynne Owens Revocable Trust  
609 Country Club Road  
Pasadena Park, Missouri 63121

Gerald L. Wayne and Vivian M. Wayne  
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Grant M. Germann and Lorrie G. Germann  
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St. Helena Island, South Carolina 29920

Gregory L. Giardina and Melissa C. Giardina  
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Melissa Basenburg  
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Mark M. Hazard and Shelley L. Hazard  
5114 Erbs Bridge Road  
Mechanicsburg, Pennsylvania 17050

Micah L. Meyers and Jennifer J. Meyers  
101 McTeer Drive  
St. Helena Island, South Carolina 29920

James J. Edwards and Nancy J. Edwards  
167 McTeer Drive  
St. Helena Island, South Carolina 29920

Preston Ventures, LLC  
1959 N. Peace Heaven Road #372  
Winston-Salem, North Carolina 27106

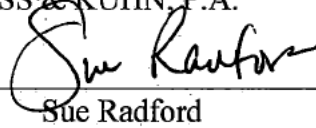
Donald Lunardini and Kristina Lunardini  
4 Saltwind Drive  
St. Helena Island, South Carolina 29920

Melissa Uhlman Revocable Trust  
81 Sea Pines Drive  
St. Helena Island, South Carolina 29920

in a post office or official depository under the exclusive care and custody of the United States  
Postal Service on June 10, 2022.

MOSS & KUHN, P.A.

By:

A handwritten signature in cursive script, appearing to read "Sue Radford", is written over a horizontal line.

Sue Radford

**MOSS & KUHN, P.A.**  
ATTORNEYS AT LAW

JAMES H. MOSS  
jim@mossandkuhn.com

H. FRED KUHN, JR.  
fred@mossandkuhn.com

June 9, 2022

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JUN 13 2022

SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: Coffin Point Plantation Homeowners Association, Inc. v. The State of South Carolina, et al.  
Appellate Case No.: 2022-000475


Dear Mrs. Kitchings:

Enclosed please find the original and seven (7) copies of Appellant's Motion for Extension of Time to File Initial Brief and Designation of Matter to be Included in the Record on Appeal, Appellant's Motion to be Relieved as Counsel and Certificate of Service regarding the above-referenced matter along with my firm's check in the amount of \$100.00 for the filing of the same. I would appreciate your returning one (1) filed copy to me in the enclosed self-addressed stamped envelope.

With kindest regards, I am

Very truly yours,

MOSS & KUHN, P.A.

  
H. Fred Kuhn, Jr.

HFKjr:sr  
Enclosures

cc: Alan Wilson, Attorney General  
Robert D. Cook, Solicitor General  
Mary D. Shahid, Esquire  
Angelica M. Colwell, Esquire  
Ralph V. Baldwin, Esquire  
Scot F. Hersh  
Wilma Clark  
Lawrence Casler  
Dean Morrissey and Carol Morrissey  
Ralph Netherland and Gloria Netherland  
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Melissa Basenburg  
Micah L. Meyers and Jennifer J. Meyers  
James J. Edwards and Nancy J. Edwards  
Preston Ventures, LLC  
Donald Lunardini and Kristina Lunardini  
Melissa Uhlman Revocable Trust

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Columbia SC 29211-1629

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