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**Jul 07 2022**  
**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Benjamin Culbertson, Circuit Court Judge

Case No. 2021-CP-10-01973

Denise M. Petersen, individually and as  
Trustee of the Denise M. Petersen 2005  
Revocable Trust Dated November 9, 2005,  
as Trustee of the 601 Ocean Boulevard  
Residence Trust Dated November 30, 2012,  
and as Trustee of the 601 Ocean Boulevard  
Residence Trust II Dated December 7, 2012, .....Respondent,

v.

DCTCL, L.P., d/b/a Buffington Homes, L.P.,  
Donnix Construction, LLC, Hunt Brothers  
Construction, Inc., Island Exteriors and  
Siding, Inc., Plastering Surfaces, LLC, a  
Unique Design, Inc., Berkeley Heating and  
Air Conditioning, Inc., Energyone America,  
LLC, Aqua Blue Pools of Charleston, Inc.,  
Sunnyside Farms, Inc., TAMKO Building  
Products, LLC, Haddigan Electrical  
Contractors, LLC and John Doe Contractors  
3 through 50, .....Defendants,

Of Whom

Donnix Construction, LLC, is .....Respondent,

And

TAMKO Building Products, LLC is .....Appellant.

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**NOTICE OF APPEAL**

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TAMKO Building Products, LLC appeals the Order of the Honorable Benjamin H. Culbertson denying TAMKO Building Products, LLC's ("TAMKO") Motion to Dismiss and Compel Arbitration, entered on June 9, 2022, and the corresponding Order denying TAMKO's Motion to Alter/Amend the Order Denying TAMKO's Motion to Dismiss and Compel Arbitration, entered on June 29, 2022. An order denying arbitration is immediately appealable. *Towles v. United HealthCare Corp.*, 338 S.C. 29, 34-35, 524 S.E.2d 839, 842 (Ct. App. 1999); *see also* S.C. Code Ann. § 15-48-200(a)(1). Judgment date for this matter is June 29, 2022. Copies of the subject orders are attached hereto.

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July 7, 2022

Columbia, SC

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Sunnyside Farms, Inc., TAMKO Building  
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Contractors, LLC and John Doe Contractors  
3 through 50, .....Defendants,

Of Whom

Donnix Construction, LLC, is .....Respondent,

And

TAMKO Building Products, LLC is .....Appellant.

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**PROOF OF SERVICE**

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I certify that I have served the Notice of Appeal as the undersigned employee of the law offices of Williams Mullen, attorneys for Appellant, and hereby certify that service of the Notice of Appeal was made on all counsel of record, specified below, by electronically mailing a copy of the same to the following addresses:

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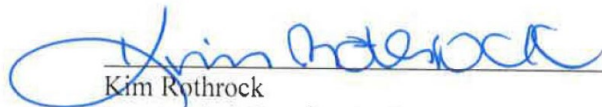
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July 7, 2022

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**VIA U.S. MAIL and E-Mail**

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RE: Denise M. Petersen, individually and as Trustee of the Denise M. Petersen 2005 Revocable Trust Dated November 9, 2005, as Trustee of the 601 Ocean Boulevard Residence Trust Dated November 30, 2012, et al. vs DCTCL, L.P., d/b/a Buffington Homes, L.P., Donnix Construction, LLC, et al.

Charleston County Court of Common Pleas Case Number: 2021-CP-10-01973

Dear Ms. Kitchings:

Please find a Notice of Appeal, Proof of Service, and this firm's check in the amount of \$250.00 for the respective filing fee enclosed herein for your review and filing in connection with the above-referenced matter:

Should you have any questions or require additional information, please do not hesitate to contact our office.

Sincerely,



Richard H. Willis

RHW/kmr  
Enclosures: As referenced.  
Cc: All counsel via e-mail only.