

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, Eunicee 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 Lunardini, 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

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SC Court of Appeals

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.

MOTION TO BE RELIEVED AS COUNSEL

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

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

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Coffin Point Plantation Homeowners Association, Inc.,

Appellant

v.

State of South Carolina

Respondents..

CERTIFICATE OF SERVICE

The undersigned certifies that the **Motion to be Relieved as Counsel for Appellant** 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:

Certified Mail – Restricted Delivery – Return Receipt Requested

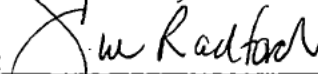
Mrs. Vivian M. Wayne
President of Coffin Point Homeowners Association
62 Saltwind Drive
St. Helena Island, South Carolina 29920

in a post office or official depository under the exclusive care and custody of the United States

Postal Service on July 14, 2022.

MOSS & KUHN, P.A.

By:


Sue Radford

MOSS & KUHN, P.A.
ATTORNEYS AT LAW

JAMES H. MOSS
jim@mossandkuhn.com

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

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SC Court of Appeals

July 13, 2022

Certified Mail – Restricted Delivery – Return Receipt Requested

Mrs. Vivian M. Wayne
President of Coffin Point Homeowners Association
62 Saltwind Drive
St. Helena Island, South Carolina 29920

RE: Coffin Point Plantation Homeowners Association, Inc. v. State of South Carolina, et al.
Case No.: 201-CP-07-02109
Appellate Case No.: 2022-000475

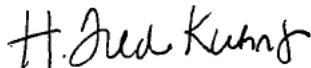
Dear Mrs. Wayne:

Enclosed please find the Motion to be Relieved as Counsel for the Appellant, Coffin Point Plantation Homeowners Association, Inc. and Certificate of Service which I am hereby serving upon you. If you will consent to the Motion, please confirm your consent by signing the last page of the motion and returning it 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.

HFkj:sr

cc: The Honorable Jenny Abbott Kitchings

H. Fred Kuhn, Jr., Esquire
Moss & Kuhn, P.A.
Post Office Drawer 507
Beaufort, South Carolina 29901

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SC Court of Appeals

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



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