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Aug 24 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court Of Common Pleas
Circuit Court Case No. 2018CP0702109

The Honorable Master in Equity and Special Circuit Court Judge

Appellate Case No.2022-000475

Coffin Point Homeowners Association, Inc.....Appellant,

v.

The State of South Carolina, et al Respondents.

**MOTION OF STATE OF SOUTH CAROLINA
TO STRIKE APPELLANT’S INITIAL BRIEF AND DESIGNATION
AND REQUEST TO STAY BRIEFING**

The State of South Carolina moves for this Court to strike Appellant’s Initial Brief and Designation of Matter for the Record. The Brief and Designation violate the Appellate Court rules by including references to documents not presented to the lower court judge as to the orders under the appeal. While the Court considers this Motion, the State respectfully requests that the time limits for filing his initial brief and designation be stayed or tolled.

BACKGROUND

Plaintiff brought this action by a Complaint filed in Beaufort County on October 25, 2018, to quiet title to 50.13 acres of “marsh land between the high and low water mark on St. Helena Island” granted by the State to Charles H. Lyman in 1891. R. p. * Complaint. Coffin Point

initially named the State and several other defendants. By Order dated July 17, 2019, this Court directed Plaintiff to make more definite and certain the Complaint and to name all adjacent landowners and parties who have a permitted dock, pier, wharf or other structure in, or crossing the property in question.” R. p. *. Plaintiff ultimately filed an Amended Complaint that the State answered and later a Second Amended Complaint that the parties were not required to Answer. R. pp. **.

The State and Defendant Scot Hersh each filed Motions for Summary Judgement. R. pp. **. The Court initially heard the motions by WebEx on December 22, 2021. Order, February 2, 2022, p, 1, R. p. *. During that hearing, the Court requested briefing on the question of whether S.C. Code Ann. § 48-39-220 applies to beaches. *Id.* Following filings by some of the parties on this question, the Court heard arguments on the question by conference call on January 6. *Id.* Following the hearing, the Court issued an Order granting Partial Summary Judgment to the Defendants to the extent that the property at issue is beach. *Id.* The Court denied summary judgement to any portion of the claim that is not beach and directed further steps in the proceeding. *Id.* The Court later denied Plaintiff’s Motion to Reconsider following a hearing. Order, March 17, 2022, R. p. *. This appeal then followed.

Documents Not Filed Or Otherwise Provided To The Circuit Court

As shown by the attached copy of the circuit court public index for this case, no party filed any copy of the 1891 Grant or the Plat listed as Items 34 and 35 on Plaintiff’s Designation of Matter for the Record. Although the documents are not on file, they are discussed by the Court in

its Order¹ so the State has no objection to including the 1891 Grant and Plat in the Record on appeal. The Deeds at Items 36- 38 of the Designation are not in the Record nor are the Discovery documents at Items 18 – 27 and the Minutes at Item 33. Appellant’s Initial Brief relies on and references some of these documents not in the record at Page 2 (first full paragraph - discovery), pp. 2 & 3 (Paragraph at bottom of 2 and continuing to 3 - Meeting and minutes) and p. 5 (first 4 full paragraphs - other deeds), and p. 10 (last two sentences in paragraph at top of page - other deeds and minutes).

As discussed below, because the above Designations and portions of the Initial Brief refer to matters not presented to the Circuit Court these parts of the Designations and Initial Brief must be struck.

ARGUMENT

I

Generally

Appellant’s Brief and Designation do not comply with the authority set forth below:

Rule 208(b)(1)(D): “A party may . . . include a separate statement of facts [in the initial brief] relevant to the issues presented for review, with reference to the record on appeal”

Rule 208(b)(4) “The brief shall contain references to the transcript, pleadings, orders, exhibits, or other materials which may be properly included in the Record on Appeal [see Rule 210(c)] to support the salient facts alleged.”

Rule 210(b): “[T]he Designation [of Matter for the Record] may only propose to include portions of the . . . materials which may be properly included in the Record on Appeal [see Rule

¹ No court reporter was present at the hearing on the Motions for Summary Judgment. Counsel for the parties were advised in advance to provide their own reporter if they wanted one, but apparently none did so.

210(c)]. A party shall not include any matter in his Designation which is not relevant to the appeal.”

Rule 210(c). “The Record shall not. . . include matter which was not presented to the lower court or tribunal. . . .”

Appellant’s Designation violates Rules 209 and 210 by including matter not presented to the lower court judge in this case prior to his rulings at issue. Its initial brief violates these rules and Rule 208 in the parts noted above by referring to such improperly included matter and other cases or events not part of this case.

CONCLUSION

For the foregoing reasons, the State respectfully requests that the above referenced parts of Appellant’s Initial Brief and Designation be struck in their entirety and that any corrected brief or designation subsequently filed be limited to fixing these problems and not present new substantive arguments or exhibits for the record. While the Court considers this Motion, the State respectfully requests that the time limits for filing its initial brief and designation be stayed or held in abeyance while the stay request is considered.

Respectfully submitted,

ALAN WILSON
Attorney General

ROBERT D. COOK
Solicitor General
S.C. Bar No. 1373

[Signature block continues next page]

s/ J. EMORY SMITH, JR.
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August 24, 2022

ATTORNEYS FOR THE STATE



Beaufort County Fourteenth Judicial Circuit Public Index



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Switch View

Coffin Point Plantation Homeowners Association Inc VS South Carolina State Of , defendant, et al




















Case Number:	2018CP0702109	Court Agency:	Beaufort County Common Pleas	Filed Date:	10/25/2018
Case Type:	Common Pleas	Case Sub Type:	Real Prop/Other 499	File Type:	Non-Jury
Status:	Appeal	Assigned Judge:	Dukes, Marvin H III		
Disposition:		Disposition Date:		Disposition Judge:	
Original Source Doc:		Original Case #:			
Judgment Number:		Court Roster:			


























Case Parties Judgments Tax Map Information Associated Cases Actions Financials






















Name	Description	Type	Motion Roster	Begin Date	Completion Date	Documents
Coffin Point Plantation Homeowners Association Inc	Notice of Appeal to Court of Appeals-2/2/22 & 3/17/22 Orders	Action		06/02/2022-08:37		
Coffin Point Plantation Homeowners Association Inc	NEF(06-01-2022 08:37:47 AM) Appeal/Notice of Appeal to C...	Filing		06/01/2022-08:45		
Coffin Point Plantation Homeowners Association Inc	Letter to Honorable J.A.Kitchings, Clerk SC Court of Appeals	Filing		06/01/2022-08:37		
Coffin Point Plantation Homeowners Association Inc	NEF(03-17-2022 12:48:19 PM) Order/Other	Filing		03/17/2022-12:48		
Coffin Point Plantation Homeowners Association Inc	Order Denying Plaintiff's Motion for Reconsideration	Order		03/17/2022-12:48	03/17/2022-12:48	
South Carolina State Of	NEF(02-24-2022 09:41:16 AM) Memo/Memo in Opposition	Filing		02/24/2022-09:55		
South Carolina State Of	Memo of State in Response to Motion to Reconsider	Filing		02/24/2022-09:41		
South Carolina State Of	Cert Serv (Memo in Response) 1-5-22	Filing		02/24/2022-09:41		
Coffin Point Plantation Homeowners Association Inc	NEF(02-07-2022 02:10:14 PM) Motion/Reconsider	Filing		02/07/2022-14:21		
Coffin Point Plantation Homeowners Association Inc	Motion to Reconsider, Alter or Amend Judgment	Motion		02/07/2022-14:10	03/17/2022-14:10	
South Carolina State Of	NEF(02-02-2022 11:43:01 AM)	Filing		02/02/2022-11:43		

	Order/Summary Judgment					
South Carolina State Of	Order Granting Partial Summary Judgment	Order		02/02/2022-11:43	02/02/2022-11:43	
South Carolina State Of	NEF(01-31-2022 09:58:46 AM) Order/Order Cover Sheet \$25....	Filing		01/31/2022-12:19		
South Carolina State Of	Order/Order Cover Sheet \$25.00	Filing		01/31/2022-09:58		
Coffin Point Plantation Homeowners Association Inc	NEF(01-10-2022 03:06:53 PM) Memo/Memo	Filing		01/10/2022-15:35		
Coffin Point Plantation Homeowners Association Inc	Response to Court's Question re: Applicability of 48-39-22	Filing		01/10/2022-15:06		
Gladieux, Valerie	NEF(01-05-2022 04:38:33 PM) Memo/Memo	Filing		01/06/2022-08:18		
Gladieux, Valerie	Response to Court's Question re: Applicability of 48-39-220	Filing		01/05/2022-16:38		
South Carolina State Of	NEF(01-05-2022 12:01:05 PM) Memo/Memo in Support	Filing		01/05/2022-13:14		
South Carolina State Of	Memo in Response to Court's Question re: Applicability of	Filing		01/05/2022-12:01		
South Carolina State Of	Cert Serv (Memo in Response) 1-5-22	Filing		01/05/2022-12:01		
Wayne, Gerald L	NEF(01-03-2022 10:58:14 AM) Order/Dismissal	Filing		01/03/2022-10:58		
Wayne, Gerald L	Order Granting G. & V. Wayne's Motion/Dismiss for Insufficie	Order		01/03/2022-10:58		
Wayne, Gerald L	NEF(12-28-2021 01:42:18 PM) Order/Order Cover Sheet \$25....	Filing		12/28/2021-14:15		
Wayne, Gerald L	Order Cover Sheet \$25.00-Waived-Proposed Order/Dismissal	Filing		12/28/2021-13:42		
South Carolina State Of	NEF(12-15-2021 04:56:39 PM) Memo/Memo in Support	Filing		12/16/2021-08:48		
South Carolina State Of	Supplemental Memo to Motion for Summary Judgment	Filing		12/15/2021-16:56		
South Carolina State Of	Cert Serv (Supplemental Memo) 12-15-21	Filing		12/15/2021-16:56		
Wayne, Gerald L	NEF(12-06-2021 07:09:43 PM) Notice/Notice of Appearance	Filing		12/07/2021-08:47		
Wayne, Gerald L	Notice of Appearance (Brunson)	Filing		12/06/2021-19:09		
Wayne, Gerald L	Motion to Dismiss for Insufficient Process and Service of	Motion		12/06/2021-19:09	01/03/2022-19:09	
Hersh, Scot F	Motion for Summary Judgment & Default Judgment and	Motion		11/02/2021-12:50	12/22/2021-12:50	
South Carolina State Of	NEF(11-01-2021 04:04:38 PM)	Filing		11/01/2021-16:41		





















	Motion/Summary Judgment					
South Carolina State Of	Motion for Summary Judgment	Motion		11/01/2021-16:04	12/22/2021-16:04	
South Carolina State Of	Certificate of Traditional Service	Filing		11/01/2021-16:04		
Coffin Point Plantation Homeowners Association Inc	NEF(09-17-2021 03:17:31 PM) Order/Scheduling Order	Filing		09/17/2021-15:18		
Coffin Point Plantation Homeowners Association Inc	Scheduling Order	Order		09/17/2021-15:17		
Roe, Mary	NEF(05-11-2021 11:46:55 AM) Order/Protection from Court ...	Filing		05/11/2021-11:47		
Roe, Mary	Order of Protection	Order		05/11/2021-11:46		
Roe, Mary	NEF(04-29-2021 11:59:31 AM) Proposed Order/Protection fr...	Filing		04/29/2021-12:13		
Roe, Mary	Order/Order Cover Sheet \$25.00	Filing		04/29/2021-11:59		
Roe, Mary	NEF(11-09-2020 02:31:21 PM) Answer/Answer	Filing		11/09/2020-15:28		
Roe, Mary	NEF(11-09-2020 02:26:55 PM) Service/Certificate Of Servi...	Filing		11/09/2020-15:26		
Roe, Mary	Answer of GAL to 2nd Amended Complaint & Cross-Claim	Filing		11/09/2020-14:31		
Roe, Mary	Cert Serv (Answer of GAL to 2nd Amd Complaint) 11-9-20	Filing		11/09/2020-14:26		
Hersh, Scot F	NEF(11-04-2020 03:06:12 PM) Answer/Answer & Crossclaim	Filing		11/04/2020-15:06		
Hersh, Scot F	Answer to Second Amended Complaint W/Crossclaim Against	Filing		11/04/2020-15:06		
Coffin Point Plantation Homeowners Association Inc	NEF(10-05-2020 04:18:47 PM) Amended/Amended Summons And ...	Filing		10/07/2020-11:24		
Coffin Point Plantation Homeowners Association Inc	Second Amended Summons And Complaint	Filing		10/05/2020-16:18		
Coffin Point Plantation Homeowners Association Inc	NEF(09-28-2020 01:43:29 PM) Order/Continuance	Filing		09/28/2020-13:43		
Coffin Point Plantation Homeowners Association Inc	Order for Continuance and Other Relief	Order		09/28/2020-13:43		
Coffin Point Plantation Homeowners Association Inc	NEF(09-24-2020 11:03:26 AM) Order/Order Cover Sheet \$25....	Filing		09/24/2020-11:24		
Coffin Point Plantation Homeowners Association Inc	Order Cover Sheet \$25.00(Order/Reference Waived)	Filing		09/24/2020-11:03		
Coffin Point	NEF(08-03-2020	Filing		08/03/2020-		

Plantation Homeowners Association Inc	10:37:10 AM) Notice/Notice of Hearing			10:37		
Coffin Point Plantation Homeowners Association Inc	Notice of Hearing b/f MIE 9-28-20 at 10:00 am	Filing		08/03/2020-10:37		
Coffin Point Plantation Homeowners Association Inc	NEF(07-23-2020 07:47:24 AM) Service/Affidavit Of Service	Filing		07/23/2020-08:45		
Coffin Point Plantation Homeowners Association Inc	Aff Svc Amd SC et on Janet Kathleen Reynolds Trust 11-1-2019	Filing		07/23/2020-07:47		
Coffin Point Plantation Homeowners Association Inc	Aff Svc Amd SC etc on Thomas J Walterhoefer Trust 11-13-2019	Filing		07/23/2020-07:47		
Coffin Point Plantation Homeowners Association Inc	Aff Svc Amd SC etc on William B Fahrner 11-13-2019 on Willia	Filing		07/23/2020-07:47		
Coffin Point Plantation Homeowners Association Inc	Aff Svc Amd SC etc on Zia as Exchange Co etc 10-7-2019 on Zi	Filing		07/23/2020-07:47		
Coffin Point Plantation Homeowners Association Inc	NEF(03-20-2020 03:39:02 PM) Notice/Notice of Hearing	Filing		03/20/2020-15:39		
Coffin Point Plantation Homeowners Association Inc	Notice of Hearing for 5/18/2020 @ 1:30pm before MIE	Filing		03/20/2020-15:39		
Coffin Point Plantation Homeowners Association Inc	NEF(03-11-2020 04:06:59 PM) Notice/Notice of Hearing and...	Filing		03/12/2020-09:11		
Coffin Point Plantation Homeowners Association Inc	3rd Amended Notice of Hearing b/f MIE 5-18-20 at 10:00 am	Filing		03/11/2020-16:06		
Coffin Point Plantation Homeowners Association Inc	NEF(03-10-2020 03:45:25 PM) Notice/Notice of Hearing	Filing		03/10/2020-15:45		
Coffin Point Plantation Homeowners Association Inc	Notice of Hearings	Filing		03/10/2020-15:45		
Seward, Andrew	Motion to Continue 3/30/2020 Final Hearing	Motion		02/27/2020-10:04	03/10/2020-10:04	
Doe, John	NEF(02-20-2020 10:52:30 AM) Service/Certificate Of Servi...	Filing		02/20/2020-12:48		
Doe, John	Crt Svc Answer to William B Fahmer Special Trust 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to ZIA Exchange Co LLC 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to Wilma Clark 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to Scott Simmons Omari Trust 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to Slade Family Revocable Living	Filing		02/20/2020-10:52		





















	Trust 2-20-2					
Doe, John	Crt Svc Answer to Steven & Lucinda Teets 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to Thomas S Clark Family Living Trust 2-20-20	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to Tom McDonald 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to Travis Washington 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to Mary Hudson 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to Mary Duncan Shahid 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to Carolynne Owens Revocable Turst 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to Ralph & Gloria Netherland 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to Russell & Nicolette Waldon 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to Scot Hersh 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to J Emory Smith Jr 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to Janet Embly Trustee 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to Janet Kathleen Reynolds Trust 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to Jennifer Allen 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to Lawrence Casler & Jeanine Skok 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to Mark & Beverly Heles 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to David & Lynn Smith 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to David Schaffer & Delora Cook 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to David Strother 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to Dean & Carol Morrissey 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to Euniceteen Diggs 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to Gerald & Carol Hartwig 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to Andrew Seward 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to Ashley Madilon Heath 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to Benjamin Couch &	Filing		02/20/2020-10:52		

	Paulette Brown 2-20-2020					
Doe, John	Crt Svc Answer to Beverly Boulware 2-20-2020	Filing		02/20/2020-10:52		
Doe, John	Crt Svc Answer to Cecily Deegan McMillan 2-20-2020	Filing		02/20/2020-10:52		
Roe, Mary	NEF(02-19-2020 12:10:37 PM) Answer/Answer	Filing		02/19/2020-13:47		
Coffin Point Plantation Homeowners Association Inc	NEF(02-19-2020 12:17:32 PM) Notice/Notice of Hearing	Filing		02/19/2020-12:17		
Coffin Point Plantation Homeowners Association Inc	Notice of Hearing MIE 3-30-2020 @ 10:00 am	Filing		02/19/2020-12:17		
Roe, Mary	Answer of GAL	Filing		02/19/2020-12:10		
Coffin Point Plantation Homeowners Association Inc	NEF(02-18-2020 11:45:02 AM) Notice/Notice of Hearing and...	Filing		02/18/2020-16:05		
Coffin Point Plantation Homeowners Association Inc	2nd Amended Notice of Hearing b/f MIE 3-30-20 at 10:00 am	Filing		02/18/2020-11:45		
South Carolina State Of	NEF(01-27-2020 09:21:08 AM) Service/Certificate Of Servi...	Filing		01/27/2020-11:49		
South Carolina State Of	Crt Svc Motion to Compel w/ Exhibits to parties 1-27-2020	Filing		01/27/2020-09:21		
South Carolina State Of	NEF(01-24-2020 03:20:38 PM) Motion/Compel	Filing		01/27/2020-09:18		
South Carolina State Of	Motion to Compel Plaintiff's Responses to Discovery	Motion		01/24/2020-15:20	05/15/2020-15:20	 
Coffin Point Plantation Homeowners Association Inc	NEF(01-23-2020 10:20:16 AM) Notice/Notice of Hearing	Filing		01/23/2020-10:20		
Coffin Point Plantation Homeowners Association Inc	Notice of Hearing b/f MIE 2-28-20 at 10:00 am	Filing		01/23/2020-10:20		
Washington, Travis	NEF(01-21-2020 08:24:17 AM) Answer/Answer	Filing		01/21/2020-08:24		
Washington, Travis	Answer/Answer	Filing		01/21/2020-08:24		
Coffin Point Plantation Homeowners Association Inc	NEF(01-08-2020 02:35:43 PM) Service/Affidavit of Non Ser...	Filing		01/08/2020-16:12		
Coffin Point Plantation Homeowners Association Inc	Service/Affidavit Of Service on Andrew Seward	Filing		01/08/2020-14:35		
Coffin Point Plantation Homeowners Association Inc	Aff Non Svc Amd SC etc on Beverly J Boulware on Beverly Boul	Filing		01/08/2020-14:35		
Coffin Point Plantation	NEF(01-08-2020 09:17:41 AM)	Filing		01/08/2020-09:26		















Homeowners Association Inc	Notice/Notice of Hearing and...					
Coffin Point Plantation Homeowners Association Inc	Amended Notice of Hearing b/f MIE 2-28-20 at 10:00 am	Filing		01/08/2020-09:17		
Coffin Point Plantation Homeowners Association Inc	NEF(01-07-2020 10:22:43 AM) Notice/Notice of Hearing	Filing		01/07/2020-10:23		
Coffin Point Plantation Homeowners Association Inc	Notice of Hearing b/f MIE 2-28-20 at 10:00 am	Filing		01/07/2020-10:22		
Seward, Andrew	NEF(12-13-2019 02:43:45 PM) Answer/Answer & Counterclaim	Filing		12/13/2019-14:43		
Seward, Andrew	Answer & Counterclaim	Filing		12/13/2019-14:43		
Coffin Point Plantation Homeowners Association Inc	NEF(11-19-2019 09:41:38 AM) Service/Affidavit Of Service	Filing		11/19/2019-10:44		
Coffin Point Plantation Homeowners Association Inc	Aff Svc Amd SC etc on Thomas J Walterhoefer 11-13-19	Filing		11/19/2019-09:41		
Coffin Point Plantation Homeowners Association Inc	Aff Svc Amd SC etc on William B Fahrner 11-13-19	Filing		11/19/2019-09:41		
Coffin Point Plantation Homeowners Association Inc	NEF(11-11-2019 08:50:51 AM) Service/Affidavit Of Service	Filing		11/12/2019-09:16		
Coffin Point Plantation Homeowners Association Inc	Aff Svc Amd SC on Janet Kathleen Reynolds Trust 11-1-19 on J	Filing		11/11/2019-08:50		
Coffin Point Plantation Homeowners Association Inc	Aff Svc Amd SC on Zia as Exchange Co LLC 10-7-19 on Zia as E	Filing		11/11/2019-08:50		
Coffin Point Plantation Homeowners Association Inc	NEF(11-05-2019 02:49:01 PM) Notice/Notice of Hearing	Filing		11/05/2019-15:37		
Coffin Point Plantation Homeowners Association Inc	Notice of Hearing on 1/22/20 @ 10 am Before Judge Dukes	Filing		11/05/2019-14:49		
Coffin Point Plantation Homeowners Association Inc	NEF(09-09-2019 09:16:58 AM) Service/Certificate Of Servi...	Filing		09/09/2019-11:31		
Coffin Point Plantation Homeowners Association Inc	Crt Svc Amd SC on Jennifer Allen 8-30-19	Filing		09/09/2019-09:16		
Coffin Point Plantation Homeowners Association Inc	NEF(09-06-2019 09:34:09 AM) Service/Certificate Of Servi...	Filing		09/06/2019-10:02		
Coffin Point Plantation Homeowners Association Inc	Cert Service Cert Mail of Amended S/C on S.Simmons Omari Tru	Filing		09/06/2019-09:34		
Coffin Point Plantation	NEF(08-27-2019 12:28:37 PM)	Filing		08/27/2019-16:09		

Homeowners Association Inc	Service/Certificate Of Servi...					
Coffin Point Plantation Homeowners Association Inc	Crt Svc Amd SC on Slade Family Revocable Living Trust:Crt MI	Filing		08/27/2019-12:28		
Coffin Point Plantation Homeowners Association Inc	Crt Svc Amd SC on Arnold Hollis: Crt Mlg 8-13-19 on Arnold H	Filing		08/27/2019-12:28		
Coffin Point Plantation Homeowners Association Inc	Crt Svc Amd SC on David Shaffer: Crt Mlg 8-15-19 on David Sh	Filing		08/27/2019-12:28		
Coffin Point Plantation Homeowners Association Inc	NEF(08-23-2019 09:31:37 AM) Service/Certificate Of Servi...	Filing		08/23/2019-11:45		
Coffin Point Plantation Homeowners Association Inc	Crt Svc Amd SC on Travis Washington: Crt Mlg 8-16-19 on Trav	Filing		08/23/2019-09:31		
Coffin Point Plantation Homeowners Association Inc	Crt Svc Amd SC on Steven Treets: Crt Mlg 8-20-19 on Steven T	Filing		08/23/2019-09:31		
Urtz, Jill	NEF(08-15-2019 11:22:16 AM) Answer/Answer To Amended Com...	Filing		08/15/2019-13:14		
Replogle, Dianne	NEF(08-15-2019 11:18:58 AM) Answer/Answer To Amended Com...	Filing		08/15/2019-13:13		
Van Rossem, Lori	NEF(08-15-2019 11:16:31 AM) Answer/Answer To Amended Com...	Filing		08/15/2019-13:13		
Roselle, Michelle R	NEF(08-15-2019 11:09:02 AM) Answer/Answer To Amended Com...	Filing		08/15/2019-13:13		
Striebinder, Jill C	NEF(08-15-2019 11:04:05 AM) Answer/Answer To Amended Com...	Filing		08/15/2019-13:13		
Gladieux, Valerie	NEF(08-15-2019 11:00:17 AM) Answer/Answer To Amended Com...	Filing		08/15/2019-13:12		
Dodgen, Maureen Westmoreland	NEF(08-15-2019 11:12:10 AM) Answer/Answer To Amended Com...	Filing		08/15/2019-11:53		
Replogle, Dianne	NEF(08-15-2019 10:54:31 AM) Answer/Answer	Filing		08/15/2019-11:25		
Urtz, Jill	Answer to Amended Complaint	Filing		08/15/2019-11:22		
Replogle, Dianne	Answer to Amended Complaint	Filing		08/15/2019-11:18		
Van Rossem, Lori	Answer to Amended Complaint	Filing		08/15/2019-11:16		
Dodgen, Maureen Westmoreland	Answer to Amended Complaint	Filing		08/15/2019-11:12		
Roselle, Michelle R	Answer to Amended Complaint	Filing		08/15/2019-11:09		
Striebinder, Jill C	Answer to Amended Complaint	Filing		08/15/2019-11:04		
Gladieux, Valerie	Answer to Amended	Filing		08/15/2019-		

	Complaint			11:00		
Replogle, Dianne	Answer to Amended Complaint	Filing		08/15/2019-10:54		
South Carolina State Of	NEF(08-14-2019 10:35:32 AM) Answer/Answer	Filing		08/14/2019-11:14		
South Carolina State Of	Answer to Amended Complaint	Filing		08/14/2019-10:35		
South Carolina State Of	Service/Certificate Of Service	Filing		08/14/2019-10:35		
Coffin Point Plantation Homeowners Association Inc	NEF(08-12-2019 01:09:38 PM) Service/Certificate Of Servi...	Filing		08/12/2019-16:59		
Coffin Point Plantation Homeowners Association Inc	Crt Svc Amd SC on Ralph E Netherland: Crt Mlg 8-12-19 on Ral	Filing		08/12/2019-13:09		
Coffin Point Plantation Homeowners Association Inc	Crt Svc Amd SC on Thomas S Clark Living Trust: Crt Mlg 8-6-1	Filing		08/12/2019-13:09		
Coffin Point Plantation Homeowners Association Inc	Crt Svc Amd SC on Janet Embly Trust: Crt Mlg 8-8-19 on Janet	Filing		08/12/2019-13:09		
Coffin Point Plantation Homeowners Association Inc	Crt Svc Amd SC on Ashley Madilon Heath: Crt Mlg 8-7-19 on As	Filing		08/12/2019-13:09		
Coffin Point Plantation Homeowners Association Inc	Crt Svc Amd SC on Mary Hudson: Crt Mlg 8-12-19 on Mary Hudso	Filing		08/12/2019-13:09		
Coffin Point Plantation Homeowners Association Inc	Crt Svc Amd SC on Gerald Hartwig: Crt Mlg 8-8-19 on Gerald H	Filing		08/12/2019-13:09		
Coffin Point Plantation Homeowners Association Inc	Crt Svc Amd SC on Wilma Clark: Crt Mlg 8-7-19 on Wilma Clark	Filing		08/12/2019-13:09		
Coffin Point Plantation Homeowners Association Inc	Crt Svc Amd SC on Cecily D McMillan: Crt Mlg 8-8-19 on Cecil	Filing		08/12/2019-13:09		
Hersh, Scot F	NEF(08-09-2019 12:01:07 PM) Answer/Answer To Amended Com...	Filing		08/09/2019-12:01		
Hersh, Scot F	Answer to Amended Complaint	Filing		08/09/2019-12:01		
Coffin Point Plantation Homeowners Association Inc	NEF(08-09-2019 08:22:29 AM) Service/Certificate Of Servi...	Filing		08/09/2019-09:17		
Coffin Point Plantation Homeowners Association Inc	Crt Svc Amd SC on Dean Morrissey: Crt Mlg 8-5-19	Filing		08/09/2019-08:22		
Coffin Point Plantation Homeowners Association Inc	Crt Svc Amd SC on Euniceteen Diggs: Crt Mlg 8-5-19	Filing		08/09/2019-08:22		
Coffin Point Plantation Homeowners Association Inc	Crt Svc Amd SC on Lawrence Casler: Crt Mlg 8-5-19	Filing		08/09/2019-08:22		
Coffin Point Plantation	Crt Svc Amd SC on Lili LLC/ Tom Donald: Crt	Filing		08/09/2019-08:22		

Homeowners Association Inc	Mlg 8-6-19					
Coffin Point Plantation Homeowners Association Inc	Crt Svc Amd SC on Mark Heles: Crt Mlg 8-5-19	Filing		08/09/2019-08:22		 
Coffin Point Plantation Homeowners Association Inc	NEF(07-31-2019 12:01:19 PM) Amended/Amended Summons And ...	Filing		07/31/2019-13:36		
Coffin Point Plantation Homeowners Association Inc	Amended Summons & Complaint	Filing		07/31/2019-12:01		
Coffin Point Plantation Homeowners Association Inc	NEF(07-17-2019 02:33:55 PM) Order/Other	Filing		07/17/2019-14:34		
Coffin Point Plantation Homeowners Association Inc	Order (not ending case)	Order		07/17/2019-14:33		
South Carolina State Of	NEF(07-12-2019 02:44:51 PM) Memo/Memo in Support	Filing		07/12/2019-15:54		
South Carolina State Of	Memo in Support of Motion to Dismiss	Filing		07/12/2019-14:44		
South Carolina State Of	NEF(06-04-2019 10:10:41 AM) Notice/Notice of Hearing	Filing		06/04/2019-10:10		
South Carolina State Of	Notice of Hearing b/f MIE 7-17-19 at 11:00 am	Filing		06/04/2019-10:10		
Coffin Point Plantation Homeowners Association Inc	ADR/Alternative Dispute Resolution (Workflow)	Action		05/23/2019-10:15	05/16/2019-10:15	
Dodgen, Dudley Sanford	NEF(05-10-2019 04:08:21 PM) Answer/Amended Answer	Filing		05/13/2019-08:09		
Replogle, Dianne	NEF(05-10-2019 04:11:51 PM) Notice/Notice of Appearance	Filing		05/10/2019-16:12		
Replogle, Dianne	Notice/Notice of Appearance	Filing		05/10/2019-16:11		
Dodgen, Dudley Sanford	Amended Answer	Filing		05/10/2019-16:08		
Marlow, John B	NEF(05-02-2019 01:27:47 PM) Add Party to Case	Filing		05/08/2019-13:32		
Dodgen, Dudley Sanford	NEF(05-02-2019 01:56:26 PM) Add Party to Case	Filing		05/06/2019-08:10		
Dodgen, Dudley Sanford	NEF(05-02-2019 01:56:26 PM) Add Party to Case	Filing		05/06/2019-08:08		
Striebinder, David Ross	NEF(05-02-2019 02:01:19 PM) Add Party to Case	Filing		05/06/2019-08:05		
Roselle, Anthony	NEF(05-03-2019 10:49:16 AM) Add Party to Case	Filing		05/06/2019-08:02		
Gladieux, Valerie	NEF(05-02-2019 01:58:30 PM) Add Party to Case	Filing		05/03/2019-13:48		
Van Rossem, James	NEF(05-02-2019 01:25:57 PM) Add Party to Case	Filing		05/03/2019-12:37		

Urtz, Frederick Lambert	NEF(05-02-2019 01:14:05 PM) Add Party to Case	Filing		05/03/2019-12:34		
Replogle, Charles	NEF(05-02-2019 12:59:31 PM) Add Party to Case	Filing		05/03/2019-12:30		
Roselle, Anthony	Add Party to Case	Filing		05/03/2019-10:49		
Roselle, Anthony	Answer	Filing		05/03/2019-10:49		
Hersh, Scot F	Answer	Filing		05/02/2019-16:08		
Hersh, Scot F	Motion to Dismiss	Motion		05/02/2019-16:06	07/17/2019-10:35	
Hersh, Scot F	Motion to Appear Pro-Se / Motion to Intervene	Motion		05/02/2019-16:03	07/17/2019-10:34	
Striebinder, David Ross	Add Party to Case	Filing		05/02/2019-14:01		
Striebinder, David Ross	Answer	Filing		05/02/2019-14:01		
Gladieux, Valerie	Answer	Filing		05/02/2019-13:58		
Gladieux, Valerie	Add Party to Case	Filing		05/02/2019-13:58		
Dodgen, Dudley Sanford	Add Party to Case	Filing		05/02/2019-13:56		
Dodgen, Dudley Sanford	Answer	Filing		05/02/2019-13:56		
Marlow, John B	Answer	Filing		05/02/2019-13:27		
Marlow, John B	Add Party to Case	Filing		05/02/2019-13:27		
Van Rossem, James	Add Party to Case	Filing		05/02/2019-13:25		
Van Rossem, James	Answer	Filing		05/02/2019-13:25		
Urtz, Frederick Lambert	Answer	Filing		05/02/2019-13:14		
Urtz, Frederick Lambert	Add Party to Case	Filing		05/02/2019-13:14		
Replogle, Charles	Add Party to Case	Filing		05/02/2019-12:59		
Replogle, Charles	Answer	Filing		05/02/2019-12:59		
South Carolina State Of	NEF(04-24-2019 11:56:57 AM) Order/Protection from Court ...	Filing		04/24/2019-11:57		
South Carolina State Of	Order of Protection	Order		04/24/2019-11:56		
South Carolina State Of	NEF(04-23-2019 02:30:04 PM) Motion/Protection Court Appe...	Filing		04/23/2019-15:46		
South Carolina State Of	Motion for Protection Court Appearance	Motion		04/23/2019-14:30	04/23/2019-14:30	
South Carolina State Of	NEF(04-18-2019 02:54:51 PM) Notice/Notice of Appearance	Filing		04/18/2019-15:47		
South Carolina State Of	Notice of Appearance (Smith)	Filing		04/18/2019-14:54		
South Carolina State Of	Motion to Dismiss	Motion		04/18/2019-14:54	07/17/2019-14:54	
Coffin Point Plantation Homeowners Association Inc	NEF(04-08-2019 08:46:48 AM) Affidavit/Publication	Filing		04/08/2019-10:11		

Coffin Point Plantation Homeowners Association Inc	Aff/Pub The Island Pket/ The Bft Gazette 3-21,28 & 4-4-2019	Filing		04/08/2019-08:46		
Coffin Point Plantation Homeowners Association Inc	NEF(03-28-2019 04:51:28 PM) Order/Referred to Master or ...	Filing		03/28/2019-16:51		
Coffin Point Plantation Homeowners Association Inc	Consent Order of Reference	Order		03/28/2019-16:51	03/28/2019-16:51	
Coffin Point Plantation Homeowners Association Inc	NEF(03-28-2019 11:29:25 AM) Proposed Order/Referred to M...	Filing		03/28/2019-15:20		
Coffin Point Plantation Homeowners Association Inc	Order/Order Cover Sheet \$25.00	Filing		03/28/2019-11:29		
Coffin Point Plantation Homeowners Association Inc	NEF(03-13-2019 10:45:44 AM) Order/Publication	Filing		03/13/2019-16:51		
Coffin Point Plantation Homeowners Association Inc	Order/Order Cover Sheet \$25.00	Filing		03/13/2019-10:45		
Coffin Point Plantation Homeowners Association Inc	Order for Publication	Order		03/13/2019-10:45		
Coffin Point Plantation Homeowners Association Inc	NEF(02-25-2019 11:39:58 AM) Service/Affidavit Of Service	Filing		02/25/2019-13:22		
Coffin Point Plantation Homeowners Association Inc	Aff Serv (Hon. A. Wilson RA for SC) S/C 2-21-19 on South Car	Filing		02/25/2019-11:39		 
Coffin Point Plantation Homeowners Association Inc	NEF(02-19-2019 08:21:13 AM) Motion/Appointment of Guardi...	Filing		02/20/2019-09:07		
Coffin Point Plantation Homeowners Association Inc	Motion for Publication	Filing		02/19/2019-08:21	02/20/2019-08:21	
Coffin Point Plantation Homeowners Association Inc	Order/Order Cover Sheet \$25.00	Filing		02/19/2019-08:21		
Coffin Point Plantation Homeowners Association Inc	Petition Appointing Guardian Ad Litem	Motion		02/19/2019-08:21	02/20/2019-08:21	
Coffin Point Plantation Homeowners Association Inc	Order Appointing Guardian Ad Litem	Order		02/19/2019-08:21		
Coffin Point Plantation Homeowners Association Inc	Summons & Complaint	Filing		10/25/2018-10:15		

RECEIVED

Aug 24 2022

SC Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court Of Common Pleas
Circuit Court Case No. 2018CP0702109

The Honorable Master in Equity and Special Circuit Court Judge

Appellate Case No.2022-000475

Coffin Point Homeowners Association, Inc.....Appellant,

v.

The State of South Carolina, et al Respondents.

CERTIFICATE OF SERVICE

I hereby certify that I have served the State's Motion to Strike with attachment upon the parties by emailing it to H. Fred Kuhn, Jr, Esquire, Mary D. Shahid, Esquire and Ralph V. Baldwin, Jr., Esquire (copy of email attached) and mailing it to the parties at the addresses below this August 24, 2022 through the United States mail.

Wilma Clark
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St. Helena Island, South Carolina 29920

Ralph Netherland and Gloria Netherland
28 Saltwind Drive
St. Helena Island, South Carolina 29920

Thomas S. Clark Family Living Trust
13963 Sweetbriar Lane
Novelty, Ohio 44072

Janet Embly Trustee
151 McTeer Drive
St. Helena Island, South Carolina 29920

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August 24, 2022

Page 2

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Lindal, Georgia 30147

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Page 3

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William B. Fahrner Special Trust
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Janet Kathleen Reynolds Trust
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Winston-Salem, NC 27006

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David Shaffer and Delora Cook
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August 24, 2022

Page 4

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Zia as Exchange, LLC qualified Intermediary for Barabra J. Bailey Limited Partnership
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August 24, 2022

Page 5

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David Smith and Lynn Smith
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/s J. EMORY SMITH, JR.
S.C. Bar No. 5262
Deputy Solicitor General
Office of the Attorney General
Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3680 Email: ESmith@scag.gov
Counsel for the State of South Carolina

August 24, 2022

Emory Smith

From: Emory Smith
Sent: Wednesday, August 24, 2022 3:12 PM
To: 'Fred Kuhn'; Ralph V. Baldwin, Jr
Cc: 'Colwell, Angelica M.'; 'Shahid, Mary D.'
Subject: RE: Coffin Point v. State et al
Attachments: Motion to Strike w- attach. (03083930xD2C78).PDF

Good afternoon.

Attached is the State's Motion to Strike which is hereby served upon you.

Emory

J. Emory Smith, Jr.
Deputy Solicitor General
Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
803-734-3642 Direct