

RECEIVED

Feb 11 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Honorable Larry B. Hyman, Jr., Circuit Court Judge

Appellate Case No. 2020-000528

Vista Del Mar Condominium Association; Dennis M. Merritt, Trustee of the
Dennis M. Merritt Living Trust; John J. Hawkins; Eleanor N. Hawkins, Plaintiffs,

v.

Vista Del Mar Condominiums, LLC; Atlantic Development Company, LLC;
Atlantic Coast Funding, LLC; and John Doe, a Nominal Defendant
Representing all Persons or Entities Unknown Who May Claim an Interest in
the Property that is the subject of this action,Defendants,

And

Atlantic Development Company, LLC and Atlantic Coast Funding,
LLC;Third-Party Plaintiffs,

v.

Barbara P. Swartz; Nancy S. Case; Winston-Salem Daly Development,
LLC; Charles F. Webber; Mark L. Skowron, as Trustee of Mark L. Skowron
Revocable Trust dated April 24, 2002 and Gail L. Skowron, as Trustee of
the Gail L. Skowron Revocable Trust dated 04/24/2002; Norman W. Taylor,
Trustee of the Norman W. Taylor Revocable Living Trust dated April 28,
2008; Tim Mitchell Development, LLC; Eric R. Sklut and Lori Levine Sklut;
Fred C. Warehime and Patricia F. Warehime; James W. Blackburn, III and
Peggy S. Blackburn; Barbara I. Bowser; KHDH, LLC; Beth G. Bauknight;
Roderick D. Sanders (or his successor), as Trustee of the Amended and Restated
Revocable Declaration of Trust of Anne Mallard Sanders u/a/d January 16, 2015;
GGK Properties, LLC; Leon Levine and Sandra Levine; Joseph Moglia and
Amy H. Moglia; Angela M. Mason, as Trustee of the Angela Mason Revocable
Trust dated June 9, 2003 and amended and restated May 27, 2007; Dexter R.
Barbee, Sr.; Daniel M. Talbert, Sr.; Craig W. Lawton; Craig W. Lawton; David N.
Dalton; Janet W. Weed, Trustee of the Janet W. Weed Revocable Trust under
Trust Instrument dated April 17, 2013; Robert H. Messier, Jr. and Janice H.

Messier; Jeffrey Schneider, Trustee for the Jeffrey Schneider Revocable Trust Dated August 1, 2017; Phillip Kleinman and Charisse D. Kleinman; Stephen Gatto and Camille Gatto; Lutz Real Estate, LP; Astorg Imports, Inc.; ABLP Properties, LLC; Sutton Children, LLC; Daniel C. Schuster and Mardell J. Schuster; Roy C. Putrino and Eileen M. Putrino; Spencer Squier and Sherri Squier; VDM 1004, LLC; Roger B. Matherly and Bonnie V. Matherly; ITAC 203, LLC; Rebecca R. Shroff and Kersi S. Shroff; Sandra P. Levine and Lori Ann Sklut, Co-Trustees of the Irrevocable Trust F/B/O Amy Beth Levine dated September 18, 1986; David E. Lukowski; Richard B. Kline and Leslie Kline; James P. Aplington and Carol D. Aplington; Michael L. Van Glish and Judith K. Van Glish; Anna A. Olsen; Anne Marie Murray; William J. Pridemore and Irina V. Pridemore; William B. Davidson and Julia Davidson; Bruce Alexander Henderson and Valerie Sokolov; Mark W. Lee; Sue David Kline; Thomas Mckiernan and Anne Mckiernan; Philip H. Strobl and Amy Mott Strobl; James M. Faircloth and Sylvia Faircloth; Cheryl Jackson and Phillip H. Jackson; Weldon Riggs and Tiffany Riggs; Janet P. Merritt, Trustee of the Janet P. Merritt Living Trust U/A dated March 24, 2000; Melia Mooney Pavoris; William L. Mansfield and Patricia S. Mansfield; Stuart W. Gibbs and Helen R. Gibbs; Michael R. Blackburn and Pamela M. Blackburn; Jeffrey G. Edwards and Teresa T. Edwards; and Michael J. Wilk,Third-Party Defendants,

Of which Vista Del Mar Condominium Association; Dennis M. Merritt, Trustee of the Dennis M. Merritt Living Trust; John J. Hawkins; Eleanor N. Hawkins; Barbara P. Swartz; Nancy S. Case; Winston-Salem Daly Development, LLC; Charles F. Weber; Mark L. Skowron, as Trustee of Mark L. Skowron Revocable Trust dated April 24, 2002 and Gail L. Skowron, as Trustee of the Gail L. Skowron Revocable Trust dated 04/24/2002; Norman W. Taylor, Trustee of the Norman W. Taylor Revocable Living Trust dated April 28, 2008; Tim Mitchell Development, LLC; Eric R. Sklut and Lori Levine Sklut; Fred C. Warehime and Patricia F. Warehime; James W. Blackburn, III and Peggy S. Blackburn; Barbara I. Bowser; KHDH, LLC; Beth G. Bauknight; Roderick D. Sanders (or his successor), as Trustee of the Amended and Restated Revocable Declaration of Trust of Anne Mallard Sanders u/a/d January 16, 2015; GGK Properties, LLC; Leon Levine and Sandra Levine; Joseph Moglia and Amy H. Moglia; Angela M. Mason, as Trustee of the Angela Mason Revocable Trust dated June 9, 2003 and amended and restated May 27, 2007; Dexter R. Barbee, Sr.; Daniel M. Talbert, Sr.; Craig W. Lawton; Craig W. Lawton; David N. Dalton; Janet W. Weed, Trustee of the Janet W. Weed Revocable Trust under Trust Instrument dated April 17, 2013; Robert H. Messier, Jr. and Janice H. Messier; Jeffrey Schneider, Trustee for the Jeffrey Schneider Revocable Trust dated August 1, 2017; Phillip Kleinman and Charisse D. Kleinman; Stephen Gatto and Camille Gatto; Lutz Real Estate, LP; Astorg Imports, Inc.; ABLP Properties, LLC; Sutton Children, LLC; Daniel C. Schuster and Mardell J. Schuster; Roy C. Putrino and Eileen M. Putrino; Spencer Squier and Sherri Squier; VDM 1004, LLC; Roger B. Matherly and Bonnie V. Matherly; ITAC 203, LLC; Rebecca R. Shroff and Kersi S. Shroff; Sandra P. Levine and Lori Ann Sklut, Co-Trustees of the Irrevocable Trust F/B/O Amy Beth Levine dated September 18, 1986; David E. Lukowski; Richard B. Kline

and Leslie Kline; James P. Aplington and Carol D. Aplington; Michael L. Van Glish and Judith K. Van Glish; Anna A. Olsen; Anne Marie Murray; William J. Pridemore and Irina V. Pridemore; William B. Davidson and Julia Davidson; Bruce Alexander Henderson and Valerie Sokolov; Mark W. Lee; Sue David Kline; Thomas Mckiernan and Anne Mckiernan; Philip H. Strobl and Amy Mott Strobl; James M. Faircloth and Sylvia Faircloth; Cheryl Jackson and PhillipH. Jackson; Weldon Riggs and Tiffany Riggs; Janet P. Merritt, Trustee of the Janet P. Merritt Living Trust U/A dated March 24, 2000; Melia Mooney Pavoris; William L. Mansfield and Patricia S. Mansfield; Stuart W. Gibbs and Helen R. Gibbs; Michael R. Blackburn and Pamela M. Blackburn; Jeffrey G. Edwards and Teresa T. Edwards; and Michael J. Wilk, are theAppellants,

And

Of which Vista Del Mar Condominiums, LLC; Atlantic Development Company, LLC; Atlantic Coast Funding, LLC; and John Doe, a Nominal Defendant Representing all Persons or Entities Unknown Who May Claim an Interest in the Property that is the subject of this action are the.....Respondents.

SUPPLEMENTAL RECORD ON APPEAL

**WRIGHT, WORLEY, POPE, EKSTER
& MOSS, PLLC**

Kenneth R. Moss, SC Bar No. 15520
Paul J. Ekster, SC Bar No. 68799
628A Sea Mountain Highway
North Myrtle Beach, SC 29582
Telephone: (843) 281-9901
Email: kennethmoss@wwpemplaw.com
paul@wwpemplaw.com

-and-

Robert E. Lee, Esquire
P.O. Box 1096
Marion, SC 29571
Telephone: (843) 423-1313
Email: rel@rellawfirm.com

INDEX TO SUPPLEMENT RECORD ON APPEAL

IV. MOTIONS AND OTHER MATERIAL

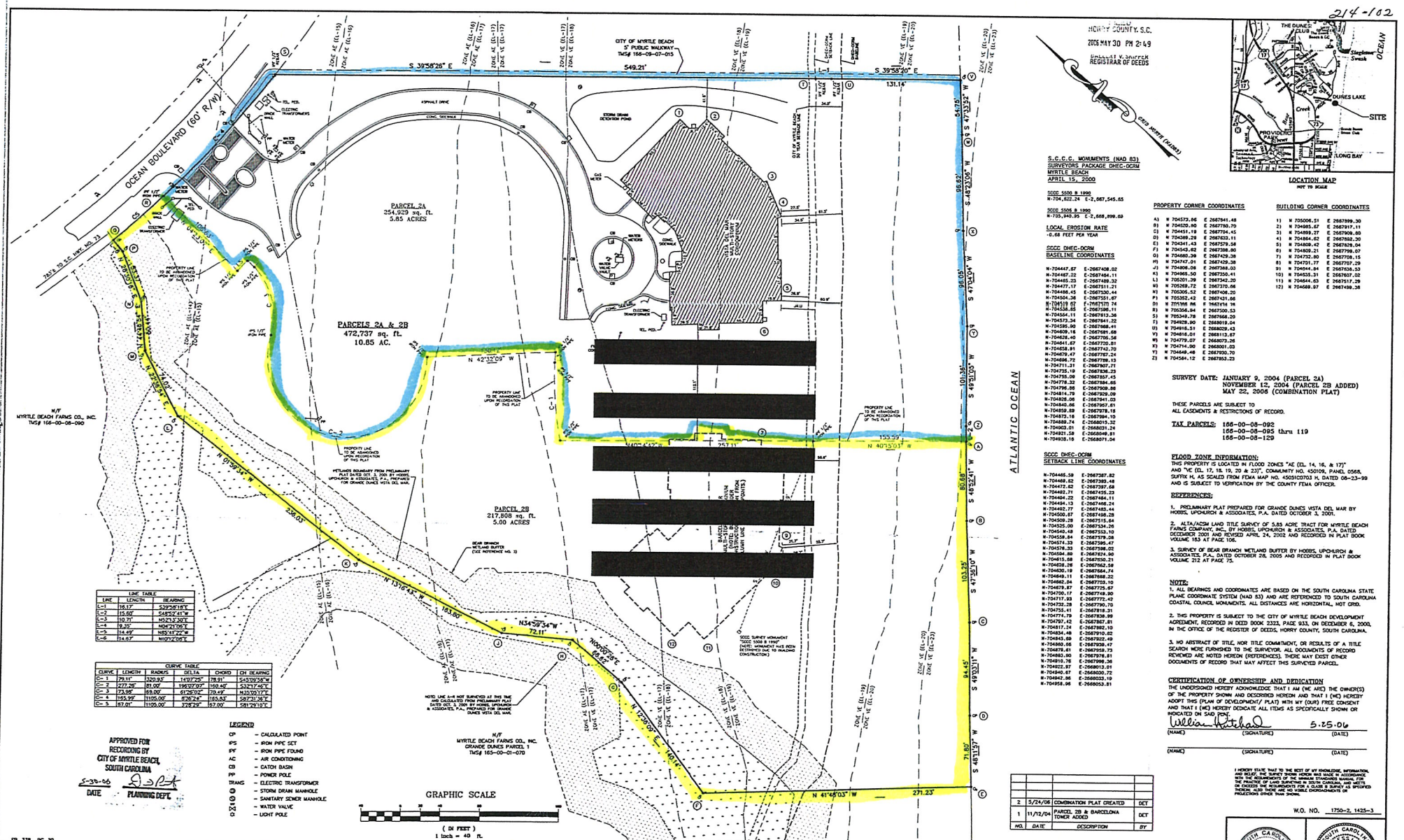
Vista Del Mar Condominiums, LLC, Plat Book 214 at Page 102.....1

CERTIFICATE OF COUNSEL2

Phase 1

Phase 2

214-102



Horry County, S.C.
 2005 MAY 30 PM 2:49
 REGISTERED PROFESSIONAL SURVEYOR



S.C.C.C. MONUMENTS (MAD 83)
 SURVEYORS PACKAGE (DHC-DCHM)
 MYRTLE BEACH
 APRIL 15, 2000

SC02 5000 N 1095
 N 704,822.34 E 2,467,545.65
 SC02 5000 N 1090
 N 705,940.95 E 2,468,899.89

LOCAL EROSION RATE
 -1.68 FEET PER YEAR

SC02 DHC-DCHM
 BASISLINE COORDINATES

N 704467.27	E 2667408.02
N 704465.23	E 2667414.11
N 704477.17	E 2667411.07
N 704468.45	E 2667320.44
N 704464.24	E 2667321.67
N 704471.07	E 2667317.74
N 704469.24	E 2667317.74
N 704454.11	E 2667310.38
N 704472.34	E 2667311.11
N 704438.00	E 2667308.41
N 704469.50	E 2667308.41
N 704461.07	E 2667307.05
N 704458.41	E 2667307.05
N 704462.07	E 2667307.05
N 704466.72	E 2667307.05
N 704473.19	E 2667307.05
N 704478.22	E 2667307.05
N 704474.79	E 2667307.05
N 704468.06	E 2667307.05
N 704475.18	E 2667307.05
N 704463.01	E 2667307.05
N 704461.25	E 2667307.05
N 704463.10	E 2667307.05

SC02 DHC-DCHM
 SETBACK LINE COORDINATES

N 704465.23	E 2667327.82
N 704462.07	E 2667327.82
N 704472.34	E 2667327.82
N 704464.22	E 2667327.82
N 704461.11	E 2667327.82
N 704467.27	E 2667327.82
N 704465.23	E 2667327.82
N 704468.45	E 2667327.82
N 704464.24	E 2667327.82
N 704471.07	E 2667327.82
N 704469.24	E 2667327.82
N 704454.11	E 2667327.82
N 704472.34	E 2667327.82
N 704438.00	E 2667327.82
N 704469.50	E 2667327.82
N 704461.07	E 2667327.82
N 704458.41	E 2667327.82
N 704462.07	E 2667327.82
N 704466.72	E 2667327.82
N 704473.19	E 2667327.82
N 704478.22	E 2667327.82
N 704474.79	E 2667327.82
N 704468.06	E 2667327.82
N 704475.18	E 2667327.82
N 704463.01	E 2667327.82
N 704461.25	E 2667327.82
N 704463.10	E 2667327.82

PROPERTY CORNER COORDINATES

A1	N 704572.84	E 2667941.48
B1	N 704502.90	E 2667730.70
C1	N 704481.18	E 2667734.45
D1	N 704398.29	E 2667623.11
E1	N 704414.00	E 2667529.68
F1	N 704543.42	E 2667398.00
G1	N 704468.26	E 2667429.28
H1	N 704747.01	E 2667429.28
I1	N 704469.50	E 2667342.20
J1	N 704501.29	E 2667342.20
K1	N 704501.29	E 2667342.20
L1	N 704501.29	E 2667342.20
M1	N 704501.29	E 2667342.20
N1	N 704501.29	E 2667342.20
O1	N 704501.29	E 2667342.20
P1	N 704501.29	E 2667342.20
Q1	N 704501.29	E 2667342.20
R1	N 704501.29	E 2667342.20
S1	N 704501.29	E 2667342.20
T1	N 704501.29	E 2667342.20
U1	N 704501.29	E 2667342.20
V1	N 704501.29	E 2667342.20
W1	N 704501.29	E 2667342.20
X1	N 704501.29	E 2667342.20
Y1	N 704501.29	E 2667342.20
Z1	N 704501.29	E 2667342.20

BUILDING CORNER COORDINATES

11	N 705004.51	E 2667899.30
21	N 704865.47	E 2667917.11
31	N 704869.27	E 2667908.04
41	N 704864.43	E 2667883.20
51	N 704865.47	E 2667878.04
61	N 704869.27	E 2667878.04
71	N 704869.27	E 2667799.07
81	N 704869.27	E 2667799.07
91	N 704869.27	E 2667799.07
101	N 704869.27	E 2667799.07
111	N 704869.27	E 2667799.07
121	N 704869.27	E 2667799.07
131	N 704869.27	E 2667799.07

PROPERTY CORNER RESTRICTIONS OF RECORD

SURVEY DATE: JANUARY 9, 2004 (PARCEL 2A)
 NOVEMBER 12, 2004 (PARCEL 2B ADDED)
 MAY 22, 2008 (COMBINATION PLAT)

THESE PARCELS ARE SUBJECT TO
 ALL EASEMENTS & RESTRICTIONS OF RECORD

TAX PARCELS: 166-00-08-092
 166-00-08-095 thru 110
 166-00-08-129

FLOOD ZONE INFORMATION:
 THIS PROPERTY IS LOCATED IN FLOOD ZONES "AE (EL. 14, 16, & 17)"
 AND "VE (EL. 17, 18, 19, 20 & 23)". COMMUNITY NO. 450109, PANEL D06B.
 SHEETS 14 & 15 SCALED FROM FEMA MAP NO. 45050C0101A, DATED 08-23-89
 AND IS SUBJECT TO VERIFICATION BY THE COUNTY FEMO OFFICER.

REFERENCES:
 1. PRELIMINARY PLAT PREPARED FOR GRAND DUNES VISTA DEL MAR BY
 HORNE, UPORCHER & ASSOCIATES, P.A., DATED OCTOBER 3, 2001.
 2. ATLANTIC LAND TITLE SURVEY OF 3.85 ACRE TRACT FOR MYRTLE BEACH
 FARMS COMPANY, INC. BY HORNE, UPORCHER & ASSOCIATES, P.A., DATED
 DECEMBER 2002 AND RECORDED MAP NO. 45050C0101A, DATED 08-23-89
 VOLUME 183 AT PAGE 106.
 3. SURVEY OF BEAR BRANCH WETLAND BUFFER BY HORNE, UPORCHER &
 ASSOCIATES, P.A., DATED OCTOBER 26, 2000 AND RECORDED IN PLAT BOOK
 VOLUME 212 AT PAGE 75.

NOTES:
 1. ALL BEARINGS AND COORDINATES ARE BASED ON THE SOUTH CAROLINA STATE
 PLANE COORDINATE SYSTEM (MAD 83) AND ARE REFERENCED TO SOUTH CAROLINA
 COASTAL COUNCIL MONUMENTS. ALL DISTANCES ARE HORIZONTAL, NOT CURVED.
 2. THIS PROPERTY IS SUBJECT TO THE CITY OF MYRTLE BEACH DEVELOPMENT
 AGREEMENT, RECORDED IN DEED BOOK 323, PAGE 633, ON DECEMBER 8, 2000,
 IN THE OFFICE OF THE REGISTER OF DEEDS, HORRY COUNTY, SOUTH CAROLINA.
 3. NO ABSTRACT OF TITLE, NOR TITLE COMMITMENT, OR RESULTS OF A TITLE
 SEARCH WERE FURNISHED TO THE SURVEYOR. ALL DOCUMENTS OF RECORD
 REVIEWED ARE NOTED HEREON (REFERENCES). THERE MAY EXIST OTHER
 DOCUMENTS OF RECORD THAT MAY AFFECT THIS SURVEYED PARCEL.

CERTIFICATION OF OWNERSHIP AND DEDICATION
 THE UNDERSIGNED HEREBY ACKNOWLEDGE THAT I AM (WE ARE) THE OWNER(S)
 OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY
 ADOPT THIS PLAN OF DEVELOPMENT PLAT WITH ANY COVENANT FREE CHARGE
 AND THAT I (WE) HEREBY DEDICATE ALL ITEMS AS SPECIFIED HEREON OR
 INDICATED ON SAID PLAN.

William Ritchie 5.25.06 (DATE)
 (NAME) (SIGNATURE) (DATE)

(NAME) (SIGNATURE) (DATE)

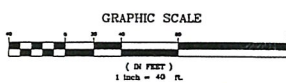
LINE TABLE

LINE	LENGTH	BEARING
C-1	79.11	N 23°22'18"E
C-2	161.17	S 23°22'18"W
C-3	10.26	S 45°13'30"E
C-4	15.26	N 60°21'00"E
C-5	114.67	N 60°21'00"E

CURVE TABLE

CHORD	CHORD BEARING	DELTA	DELTA BEARING
C-1	140.24	79.11	E 33°22'18"E
C-2	196.02	161.17	S 23°22'18"W
C-3	103.07	10.26	S 45°13'30"E
C-4	158.83	15.26	N 60°21'00"E
C-5	170.97	114.67	N 60°21'00"E

- LEGEND
- OP - CALCULATED POINT
 - SP - IRON PIPE SET
 - FP - IRON PIPE FOUND
 - AC - AIR CONDITIONING
 - CB - CATCH BASIN
 - PP - POWER POLE
 - ET - ELECTRIC TRANSFORMER
 - SD - STORM DRAIN MANHOLE
 - SS - SANITARY SENDER MANHOLE
 - WV - WATER VALVE
 - LP - LIGHT POLE



APPROVED FOR RECORDING BY
 CITY OF MYRTLE BEACH,
 SOUTH CAROLINA

DATE: 5-23-06
 PLANNING DEPT.

MYRTLE BEACH FARMS CO., INC.
 4708 CLELAND DRIVE
 MYRTLE BEACH, SOUTH CAROLINA 29577
 PHONE (843) 443-3453 FAX (843) 443-8359

COMBINATION PLAT
 OF
 PARCELS 2A AND 2B
 CITY OF MYRTLE BEACH, HORRY COUNTY, SOUTH CAROLINA
 PREPARED FOR: VISTA DEL MAR CONDOMINIUMS, LLC

SCALE: 1" = 40'

REVISIONS	DATE	DESCRIPTION
1	5/24/08	COMBINATION PLAT CREATED
2	11/12/04	PARCEL 2B & BARCELONA TOWNH ADDD

NO.	DATE	DESCRIPTION	BY
1	5/24/08	COMBINATION PLAT CREATED	DET
2	11/12/04	PARCEL 2B & BARCELONA TOWNH ADDD	DET

SHEET 1 OF 1



Phase 2

Phase 1

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CERTIFICATE OF COUNSEL

The undersigned hereby certifies that this Supplemental Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

February 11, 2021

**WRIGHT, WORLEY, POPE, EKSTER
& MOSS, PLLC**

Attorneys for Appellants

s/Kenneth R. Moss

Kenneth R. Moss, Esquire, SC Bar No. 15520

Paul. J. Ekster, SC Bar. No. 68799

628A Sea Mountain Highway

North Myrtle Beach, SC 29582

Telephone: (843) 281-9901

Email: kennethmoss@wwpemplaw.com

paul@wwpemplaw.com

– and –

Robert E. Lee, Esquire

P.O. Box 1096

Marion, SC 29571

Telephone: (843) 423-1313

Email: rel@rellawfirm.com