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Oct 27 2022
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM Horry COUNTY
Court of Common Pleas

Honorable R. Markley Dennis, Jr., Circuit Court Judge

Honorable William H. Seals, Jr., Circuit Court Judge

Case No. 2018-CP-26-03173

Frederick E. Brown, Charles O. Pakosta, Conrad A. Calvano, Gayle N. Scott and Philip D. Cox, individually and derivatively on behalf of Myrtle Beach Resort Homeowners' Association, Inc. and on behalf of all other similarly situated Co-Owners, and Lori Niedzwiecki and Robert S. Rosencrans, individually and derivatively on behalf of the Myrtle Beach Resort Homeowners' Association, Inc. for its right and benefitAppellants

v.

Jeffrey L. Richardson and Nancy L. Moore, individually and as current members of the Board of Directors for Myrtle Beach Resort Homeowners' Association, Inc., and Peter A. Grusauskas and Jim Perkins, individually and as former members of the Board of Directors for Myrtle Beach Resort Homeowners' Association, Inc.,Respondents.

NOTICE OF APPEAL

YOU WILL PLEASE TAKE NOTICE THAT the Appellants, Frederick E. Brown, Charles O. Pakosta, Conrad A. Calvano, Gayle N. Scott and Philip D. Cox, individually and derivatively on behalf of Myrtle Beach Resort Homeowners' Association, Inc. and on behalf of all other similarly situated Co-Owners, and Lori Niedzwiecki and Robert S. Rosencrans, individually and derivatively on behalf of the Myrtle Beach Resort Homeowners' Association, Inc., hereby appeal the following Orders of the Circuit Court:

1. The Order of the Honorable R. Markley Dennis, Jr., Granting Defendants' Motion for Partial Summary Judgment and Denying Plaintiffs' Motion for Summary Judgment dated and received written notice of its filing via electronic mail on January 10, 2022.
2. The Order of the Honorable William H. Seals, Jr., Denying Plaintiffs' Motion to Reconsider dated October 4, 2022 and received written notice of its filing on October 5, 2022, via electronic mail.

/s/ Howell V. Bellamy, III
Howell V. Bellamy, III, (SC Bar # 66575)
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Counsel for Appellants

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Myrtle Beach, SC
October 27, 2022

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individually and derivatively on behalf of Myrtle Beach Resort Homeowners' Association, Inc.
and on behalf of all other similarly situated Co-Owners, and Lori Niedzwiecki and Robert S.
Rosencrans, individually and derivatively on behalf of the Myrtle Beach Resort Homeowners'
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Directors for Myrtle Beach Resort Homeowners' Association, Inc., and Peter A. Grusauskas and
Jim Perkins, individually and as former members of the Board of Directors for Myrtle Beach
Resort Homeowners' Association, Inc.,Respondents.

PROOF OF SERVICE

I certify that I have served a copy of the Notice of Appeal on the Clerk of Court for Horry
County, by electronically filing a copy on October 27, 2022.

/s/ Howell V. Bellamy, III
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Myrtle Beach, South Carolina
October 27, 2022

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CLAUDE M. EPPS, JR.
DAVID R. GRAVELY
JILL F. GRIFFITH
BRADLEY D. KING

October 27, 2022

Via Electronic & U.S. Mail

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

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SC Court of Appeals

RE: Frederick E. Brown, Charles O. Pakosta, Conrad A. Calvano, Gayle N. Scott and Philip D. Cox, individually and derivatively on behalf of Myrtle Beach Resort Homeowners' Association, Inc. and on behalf of all other similarly situated Co-Owners, and Lori Niedzwiecki and Robert S. Rosencrans, individually and derivatively on behalf of the Myrtle Beach Resort Homeowners' Association, Inc. for its right and benefit vs. Jeffrey L. Richardson and Nancy L. Moore, individually and as current members of the Board of Directors for Myrtle Beach Resort Homeowners' Association, Inc., and Peter A. Grusauskas and Jim Perkins, individually and as former members of the Board of Directors for Myrtle Beach Resort Homeowners' Association, Inc.
Civil Action Number: 2018-CP-26-03173

Dear Judge Kitchings:

Enclosed please find the following documents for filing:

1. The Notice of Appeal on the Respondents, Horry County Clerk of Court and all other counsel of record;
2. The Order of the Honorable R. Markley Dennis, Jr., Granting Defendants' Motion for Partial Summary Judgment and Denying Plaintiffs' Motion for Summary Judgment dated and received written notice of its filing via electronic mail on January 10, 2022.
3. The Order of the Honorable William H. Seals, Jr., Denying Plaintiffs' Motion to Reconsider dated October 4, 2022 and received written notice of its filing on October 5, 2022, via electronic mail.

4. Our company check for the filing fee in the amount of \$250.00.

Sincerely,

/s/ Howell V. Bellamy, III

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October 26, 2022