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May 24, 2013

VIA U.S. MAIL

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals Clerk
Post Office Box 11639
Columbia, SC 29211

Re: Stoneledge at Lake Keowee Owners' Association, Inc., et al. v. IMK Development Co., LLC, et al., Of Whom Marick Home Builders, LLC and Rick Thoennes are the Appellants, and Of Whom Hutch N Son Construction, Inc. and Upstate Utilities, Inc. are the Respondents
Appellate Case No.: 2012-213237

RECEIVED

MAY 28 2013

Dear Ms. Kitchings:

SC COURT OF APPEALS

Per our conversation with Amelia in your office on May 23, 2013, the above-referenced case was automatically stayed when Respondent Upstate Utilities filed its Motion to Dismiss the Appeal. We are in receipt of the Appellants' recently-filed documents which are purported to be the Record on Appeal. Because the case is stayed, it is our understanding that the time for serving and filing the Final Brief, which is twenty days after the service of the Record on Appeal pursuant to Rule 211, has not begun.

Additionally, both Upstate Utilities and Hutch N Son Construction have filed Motions to Strike in regards to matters in Appellants' Designation of Matter for the Record of Appeal. These motions are currently pending. The Record on Appeal, therefore, cannot be completed until the Court of Appeals rules on the Motions to Strike. Furthermore, it is premature to file the Record of Appeal as Upstate Utilities has yet to file its Designation of Matter or Initial Brief due to the pendency of its Motion to Dismiss.

Because the case is stayed and there are pending motions, it is our understanding that until the Court of Appeals rules on the Motion to Dismiss and Motions to Strike, the parties are not required to take any further action.

Please let us know immediately if our understanding of the status of this case is incorrect. We appreciate your assistance in this matter.

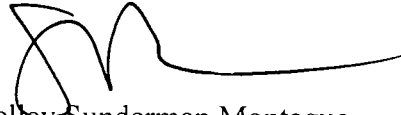
The Honorable Jenny Abbott Kitchings

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Very truly yours,

GALLIVAN, WHITE & BOYD, P.A.



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SSM/cds
Enclosures

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Counsel for Respondent Upstate Utilities, Inc.