

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

68475

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Cynthia Graham Howe, Master-In-Equity

Case No. 2004-CP-26-2075
Appellate Case No. 2012-212773

John Musick,.....Respondent,

v.

Thomas L. Dicks and Robert E. Dicks, Jr.,.....Appellants.

MOTION TO SUPPLEMENT THE RECORD ON APPEAL

NOW COMES RESPONDENT, JOHN MUSICK; and hereby requests leave to supplement the Record on Appeal with a legible and appropriately sized copy of the Restrictive Covenants of Long Bay Estates attached to the Map of the Long Bay Estates Subdivision (1955 Platt).

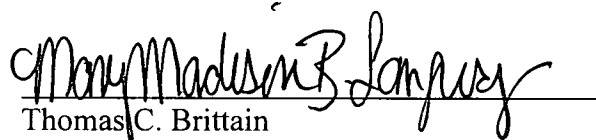
The current Record on Appeal submitted to this Court by the Appellants contains two (2) copies of these Restrictive Covenants. The first copy, which appears on page 600 of the Record on Appeal is too small to be legible, even with the use of a magnifying glass. The second copy, which was filed separately from the Record on Appeal due to its substantial size, is contained on an enlarged Map of Long Bay Estates Subdivision.

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SC Court of Appeals

Neither of these copies of the Restrictive Covenants submitted by the Appellants are convenient nor practical for the Appellate Court Judges to view. It is imperative that everyone, specifically the Judges, be able to read the Restrictive Covenants because these restrictions are the most important issue in the case. It is not the intention or wish of the Respondent to introduce new evidence into the Record on Appeal but rather to supplement the Record on Appeal with a more legible copy of the Restrictive Covenants which were previously submitted as a part of the Record on Appeal by the Appellants. Respondent has attached hereto a copy of the document he would like to include in the Record on Appeal.



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ATTORNEYS FOR RESPONDENT

May 16, 2013
Myrtle Beach, South Carolina

Rx Date/Time

DEC-12-2002 (THU) 10:30

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ON FILE IN Horry County Clerks Office
ATTACHED TO MAP IN PLAT BOOK 25, PAGE 22, RECORDED MAY 5, 1958

Restrictions to be imposed on the Residential Property in the Long Bay Estates Subdivision,
Myrtle Beach, Horry County, South Carolina

These Protective Covenants are recorded as Blanket Covenants covering all lots in Blocks 1
through 27, as shown on the Plat of Long Bay Estates dated May, 1955, compiled by Robt. L. Bellamy,
Engineer.



(a) No lot shall be subdivided and no building, including porches or projections of any kind, shall be erected at a distance less than 40 feet from the front line on blocks one (1) through five (5) and not less than 20 feet from the front line on blocks six (6) through twenty-seven (27), ten feet from any side line, and 20 feet from the rear.

As to all unsold lots, the Grantors reserve the right to change the boundary lines and the building lines thereof.

(b) No surface toilet shall be permitted on this property, but the purchaser shall construct and install at his own expense for any residential building on the said property, a septic tank of a type and character approved by the State Board of Health. Waste water from the premises, including that from the kitchen and bath, shall not be discharged or deposited upon the surface of the premises, but shall be disposed of so as not to create a nuisance or be offensive to sanitation. All garbage cans used on the premises shall be kept concealed.

(c) An easement and right of ingress and egress is hereby reserved in, upon and across a strip of land five (5) feet wide at the rear line of this lot for water pipes and for poles, wires, cables or other lines for transmission of electric current or telephone or other public utility services. These rights may be assigned by the Grantors.

(d) This property shall be used only for private residential purposes and no more than one dwelling containing not more than two apartments or living units each for the occupancy and use of not more than one family, with necessary outbuildings, shall be erected thereon. No garage apartments except for the use and occupancy of servants employed on the premises may be included in a garage building.

Plans for any building or structures to be erected on the property shall be first approved by the Grantors, before construction is started.

(e) The property hereby conveyed shall be kept free from any nuisance or from any objectionable condition or use which the Grantors find to be offensive or dangerous to the neighborhood.

(f) It is understood and agreed that any change in sidewalk, or street or driveways into this property, which changes are desired by the purchaser, are to be made at his expense and in accordance with plans acceptable to the Grantors.

(g) No one story residence shall be erected on this lot which contains less than 1200 square feet of floor area nor a two story residence containing less than 1600 square feet of floor area excluding porches, garages and storage space. No residence building shall be built more than two stories in height.

(h) No wells for water will be permitted to be dug or driven in the property, unless water facilities prove inadequate, or any private well dug to be done only with permission of Grantors.

(i) In addition to use for private residential purposes as set forth herein, the Grantors may use, lease or convey property within the bounds of lands herein described as Blocks 1, 2, and 3 for the following purposes:

Schools, Churches, Libraries and Community Center

(j) The Grantees shall preserve as many of the existing trees as possible in order to retain the wooded character of the community.

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Case No. 2004-CP-26-2075
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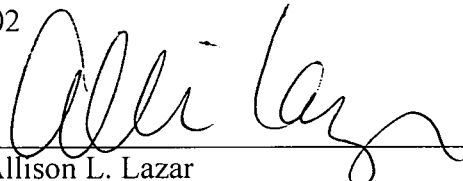
Thomas L. Dicks and Robert E. Dicks, Jr.,.....Appellants.

CERTIFICATE OF MAILING

Allison L. Lazar certifies that she is an employee of The Brittain Law Firm, P.A., attorneys for the Respondent and that she has placed in the U.S. mail the documents listed below in the above entitled action to the addressees below on May 17, 2013.

DOCUMENTS: Motion to Supplement the Record on Appeal
 Certificate of Mailing

ADDRESSEE: Demetri K. Koutrakos, Esquire
 Callison Tighe & Robinson, LLC
 P. O. Box 1390
 Columbia, South Carolina 29202



Allison L. Lazar

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SC Court of Appeals

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May 17, 2013

The Honorable Jenny Abbot Kitchings
Clerk of Court
SC Court of Appeals
1015 Sumter Street
Columbia, SC 29211

Re: John Musick vs. Thomas L. Dicks, *et al.*
Case No. 2004-CP-26-2075
Appellate Case No. 2012-212773

Dear Ms. Kitchings:

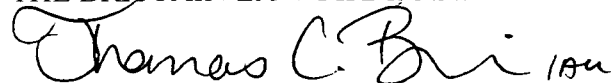
Enclosed please find the original and seven (7) copies of Respondent's Motion to Supplement the Record on Appeal. This motion was originally submitted to you along with Respondent's Final Brief, however, our office erroneously omitted the appropriate page numbers, filing fee and correct number of copies of the motion.

As such, we are also enclosing at this time a check in the amount of \$25.00 along with a certificate of service evidencing service of this corrected motion on all parties. I would greatly appreciate your disregarding the erroneous motion filed along with Respondent's Final Brief and accepting this corrected motion instead.

I would greatly appreciate your returning one (1) clocked copy of this Motion to Supplement the Record on Appeal to our office in the enclosed self-addressed stamped envelope. Please do not hesitate to contact my office if you have any questions.

With warm regards, I am
Yours truly,

THE BRITTAIN LAW FIRM, P.A.



Thomas C. Britain
Mary Madison Britain Langway
TCB/all

cc: Demetri K. Koutrakos, Esquire

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