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**Dec 15 2022**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM THE CIRCUIT COURT  
FOURTEENTH JUDICIAL CIRCUIT

The Honorable Marvin H. Dukes III

Appellate Court Case No.  
Circuit Court Case No. 2020-CP-07-2160

Bay Point Island, LLC, .....Appellant,

v.

County of Beaufort and Beaufort County Zoning Board of Appeals, ..... Respondents.

and

South Carolina Coastal Conservation League, Inc. and  
Gullah/Geechee Fishing Association, ..... Intervenor-Respondents.

NOTICE OF APPEAL

Bay Point Island, LLC (“Appellant”) hereby appeals the following Orders issued by the Honorable Marvin H. Dukes III:

- (1) the May 5, 2022 Order granting the motions to intervene filed by the South Carolina Coastal Conservation League, Inc. and the Gullah/Geechee Fishing Association (“Intervenor-Respondents);
- (2) the June 15, 2022 Order denying Appellant’s motion to reconsider the May 5, 2022 Order granting intervention;
- (3) the July 21, 2022 Order denying and dismissing Appellant’s appeal; and
- (4) the November 16, 2022 Order denying Appellant’s motion to reconsider the July 15, 2022 order denying and dismissing Appellant's appeal.

The motions to reconsider and appeal were timely filed. A copy of each order is attached.

December 15, 2022

s/John A. Massalon  
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Attorneys for Bay Point Island, LLC

***Other Counsel of Record:***

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**ATTORNEYS FOR SOUTH CAROLINA  
COASTAL CONSERVATION LEAGUE**

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Bay Point Island, LLC, .....Appellant,

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and

South Carolina Coastal Conservation League, Inc. and  
Gullah/Geechee Fishing Association, ..... Intervenor-Respondents.

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**PROOF OF SERVICE**

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I certify that the Notice of Appeal was served upon Respondents County of Beaufort and Beaufort County Zoning Board of Appeals and Intervenor-Respondents South Carolina Coastal Conservation League, Inc. and Gullah/Geechee Fishing Association via e-mail to counsel of record listed below on December 15, 2022. A copy of the service e-mail is attached hereto as Exhibit A.

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ATTORNEYS FOR BAY POINT ISLAND, LLC

December 15, 2022

Exhibit “A”

## Charline Barrasso

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**From:** Charline Barrasso  
**Sent:** Thursday, December 15, 2022 5:29 PM  
**To:** Keaveny, Thomas; Brad Mitchell; 'leslie@scelp.org'; 'amy@scelp.org'; 'ross@mklawsc.com'  
**Cc:** John A. Massalon; Carissa Steichen; 'liz@mklawsc.com'; 'Alicia@mklawsc.com'  
**Subject:** Bay Point Island, LLC v. County of Beaufort, et al.  
**Attachments:** 20221215 Notice of Appeal.pdf; 20221215 Clerk ltr enc filing fee.pdf

Dear Counsel,

Attached for service, please find a Notice of Appeal in regard to the above-referenced matter, along with correspondence to the Clerk of Court enclosing the filing fee. If you have any questions, please do not hesitate to contact us.

Thank you,

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