

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

68454

APPEAL FROM HORRY COUNTY
Court of Common Pleas
John M. Milling, Special Referee

Case No. 2009-CP-26-11862

Harleysville Group Insurance, a Pennsylvania
corporation, Appellant,

v.

Heritage Communities, Inc., a South Carolina
corporation; Heritage Magnolia North, Inc., a South
Carolina corporation; Buildstar Corporation, a South
Carolina corporation; Magnolia North Horizontal
Property Regime; Magnolia North Property Owners
Association, Inc., a South Carolina corporation, and
National Surety Corp., Respondents.

NOTICE OF APPEAL

Harleysville Group Insurance appeals the attached three (3) Orders of the
Honorable John M. Milling clocked in on March 5, 2013, and on April 24, 2013
(attached as Exhibits). Appellant received written notice of entry of the order of April
24, 2013 on May 1, 2013.

SIGNATURE PAGE ATTACHED

RECEIVED

MAY 20 2013

SC Court of Appeals

NELSON MULLINS RILEY & SCARBOROUGH LLP

By:  _____

C. Mitchell Brown
SC Bar No. 012872
E-Mail: mitch.brown@nelsonmullins.com
William C. Wood, Jr.
SC Bar No. 015111
E-Mail: bill.wood@nelsonmullins.com
A. Mattison Bogan
SC Bar No. 72629
E-Mail: matt.bogan@nelsonmullins.com
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

Robert C. Calamari
SC Bar No. 064985
E-Mail: bob.calamari@nelsonmullins.com
3751 Robert M. Grissom Parkway / Suite 300
Post Office Box 3939 (29578-3939)
Myrtle Beach, SC 29577-3165
(843) 448-3500

Attorneys for Appellant

Columbia, South Carolina

5/20, 2013

Other Counsel of Record:

John P. Henry
Philip C. Thompson
Thompson & Henry, P.A.
1300 Second Avenue, 3rd Floor
Conway, SC 29528
(843) 248-5741

Attorneys for Respondents Heritage Communities, Inc., a South Carolina corporation; Heritage Riverwalk, a South Carolina corporation; Buildstar Corporation, a South Carolina corporation; Riverwalk at Arrowhead Country Club Horizontal Property Regime; Riverwalk at Arrowhead Country Club Property Owners Association, Inc., a South Carolina corporation; and Tony L. Pope and Lynn Pope, individually and representing as a class all unit owners at Riverwalk at Arrowhead Country Club Horizontal Property Regime

Laura Johnson Evans
Smith Moore Leatherwood LLP
171 Church Street, Suite 210
Charleston, SC 29401
(843) 577-9888

Attorneys for Respondent National Surety Corp.

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas
John M. Milling, Special Referee

Case No. 2009-CP-26-11862

Harleysville Group Insurance, a Pennsylvania
corporation, Appellant,

v.

Heritage Communities, Inc., a South Carolina
corporation; Heritage Magnolia North, Inc., a South
Carolina corporation; Buildstar Corporation, a South
Carolina corporation; Magnolia North Horizontal
Property Regime; Magnolia North Property Owners
Association, Inc., a South Carolina corporation, and
National Surety Corp., Respondents.

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellant, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

Notice of Appeal

Counsel Served:

John P. Henry, Esquire
Philip C. Thompson, Esquire
Thompson & Henry
1300 Second Avenue, 3rd Floor
Conway, SC 29528

RECEIVED

MAY 20 2013

SC Court of Appeals

Laura Johnson Evans, Esquire
Smith Moore Leatherwood, LLP
171 Church Street, Suite 210
Charleston, SC 29401



Lisa P. Whitehurst
Administrative Assistant

May 20, 2013

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
1320 Main Street / 17th Floor / Columbia, SC 29201
Tel: 803.799.2000 Fax: 803.255.9025
www.nelsonmullins.com

C. Mitchell Brown
Tel: 803.255.9595
Fax: 803.255.9025
mitch.brown@nelsonmullins.com

May 20, 2013

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1015 Sumter Street - 5th Floor
Columbia, SC 29201

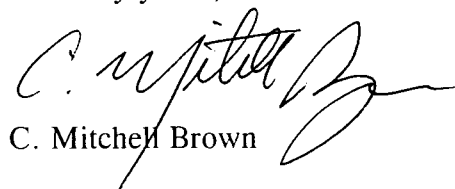
RE: Harleysville Group Insurance v. Heritage Communities, Inc., a South Carolina Corporation; Heritage Magnolia North Inc., a South Carolina Corporation; et al.
C.A. No.: 2009-CP-26-11862
Our File No.: 00470/01580

Dear Ms. Kitchings:

Enclosed please find the original and one copy of a Notice of Appeal in regard to the above-referenced matter. We would ask that you file the original and return a clocked-in copy to us via our courier. Also enclosed is our check in the amount of \$100.00 as the required filing fee.

With kind regards, I remain

Sincerely yours,



C. Mitchell Brown

CMB:lpw
Enclosures

cc: The Honorable Melanie Huggins-Ward, Clerk of Court for Horry County
John P. Henry, Esquire
Laura Johnson Evans, Esquire