

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM OCONEE COUNTY  
Court of Common Pleas

Alexander S. Macaulay, Presiding Judge Seventh Judicial Circuit

Case No. 2009-CP-37-652

**RECEIVED**  
JUN 10 2013  
SC Court of Appeals

Stoneledge At Lake Keowee Owners' Association, Inc., C. Dan Carson, Jeffrey J. Dauler, Joan W. Davenport, Michael Furnari, Donna Furnari, Jessy B. Grasso, Nancy E. Grasso, Robert P. Hayes, Lucy H. Hayes, Ty Hix, Jennifer D. Hix, Paul W. Hund, III, Ruth E. Isaac, Michael D. Plourde, Mary Lou Plourde, Carol C. Pope, Steven B. Taylor, Bette J. Taylor, and Robert White, Individually and on Behalf of All others similarly situated.....Plaintiffs

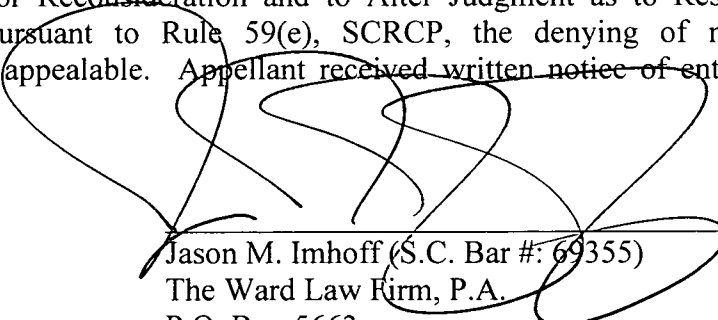
IMK Development Co., LLC, Keowee Townhouses, LLC, Ludwig Corporation, LLC, SDI Funding, LLC, Medallion at Keowee, LLC, Integrys Keowee Development, LLC, Marick Home Builders, LLC, Bostic Brothers Construction, Inc., Miller/Player & Associates, John Ludwig, Clear View Construction, LLC, Michael Franz, MHC Contractors, Miguel Porras Choncoas, Builders First Source Southeast Group, Mike Green, Southern Concrete Specialties, Carl Compton d/b/a Compton Enterprize a/k/a Compton Enterprises, Gunter Heating & Air, All Pro Heating, A/C & Refrigeration, LLC, Coleman Waterproofing, Heyward Electrical Services, Inc., Tinsley Electrical, LLC, Hutch N Son Construction, Inc., Carl Catoe Construction, Inc., T.G. Construction, LLC, Delfino Construction, Francisco Javier Zarate d/b/a Zarate Construction, Alejandro Avalos Cruz, Herberito Acros Hernandez, Martin Hernandez-Aviles, Francisco Villalobos Lopez, Ambrosio Martinez-Ramirez, Ester Moran Mentado, Socorro Castillo Montel, Upstate Utilities, Inc., MJG Construction and Homebuilders, Inc. d/b/a MJG Construction, KMAC of the Carolinas, Inc., Eufacio Garcia, Everado Jarmamillo, Garcia Parra Insulation, Inc., J&J Construction, Jose Nino, Jose Manuel Garcia, Eason Construction, Inc., and Vincent Morales d/b/a Morales Masonry/Player & Associates, .....Defendants

Of Defendants, Marick Home Builders, LLC and Rick Thoennes .....Appellants,

Of Defendants, Builders FirstSource—Southeast Group, Carl Catoe Construction, Inc. and Catoe's Subcontractors, T.G. Construction, LLC, Martin Hernandez-Aviles, Ester Moran Mentado, Herberito Arcos Hernandez, Francisco Javier Zarate d/b/a Zarate Construction ("Zarate Construction"), Alejandro Avalos Cruz, Francisco Villalobos Lopez, and Socorro Castillo Montel.....Respondents

NOTICE OF APPEAL

Marick Home Builders, LLC and Rick Thoennes appeal the order of the Honorable Alexander S. Macaulay dated May 22, 2013 denying Defendants Marick Home Builders, LLC and Rick Thoennes' Motion for Reconsideration and to Alter Judgment as to Respondents, attached as Exhibit "A". Pursuant to Rule 59(e), SCRPC, the denying of motion to reconsideration is immediately appealable. Appellant received written notice of entry of this order on May 24, 2013.

  
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June 6, 2013

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*Attorneys for Respondent Builders FirstSource* R

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.....Defendants

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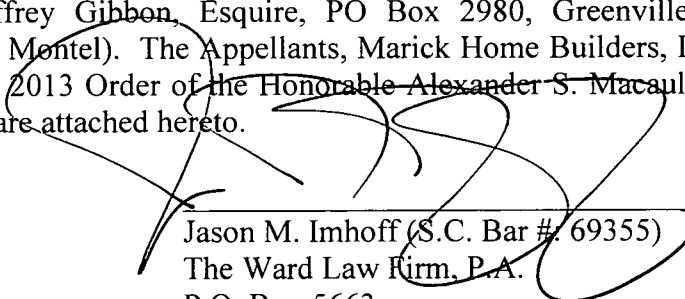
Of Defendants, Builders FirstSource—Southeast Group, Carl Catoe Construction, Inc. and Catoe's Subcontractors T.G. Construction, LLC, Martin Hernandez-Aviles, Ester Moran Mentado, Herberito Arcos Hernandez, Francisco Javier Zarate d/b/a Zarate Construction ("Zarate Construction"), Alejandro Avalos Cruz, Francisco Villalobos Lopez, and Socorro Castillo Montel.....Respondents

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PROOF OF SERVICE

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I certify that I have served the Notice of Appeal on Respondents by depositing a copy of it in the United States Mail, First Class postage prepaid, on June 6, 2013, addressed to Respondents' attorneys of record, Ronald G. Tate, Jr., Esquire, PO Box 10589, Greenville, SC 29603 (attorney for Carl Catoe Construction, Inc.), Dana W. Lang, Esquire, PO Box 999, Charleston, SC, 29402 (attorney for Carl Catoe Construction, Inc.), K. Lindsay Terrell, Esquire, 1164 Woodruff Road, Greenville, SC, 29607 (attorneys for TG Construction, LLC), D. Andrew Williams, Esquire, PO Box 1473, Columbia, SC 29202 (attorneys for Martin Hernandez-Aviles), Steven P. Hughes, Esquire, PO Box 40, Beaufort, SC 29901 (attorneys for Ester Moran Mentado), Elizabeth Martineau, PO Box 31188, Charlotte, NC 28231 (attorneys for Herberto Acros Hernandez), Finley B. Clarke, Esquire, PO Box 1865, Florence, SC 29503 (attorneys for Francisco Javier Zarate d/b/a Zarate Construction, Paul E. Hammack, Esquire, 223 West Stone Avenue, Suite 100, Greenville, SC, 29609 (attorney for Alejandro Avalos Cruz), Christopher G. Lewis, Esquire 22 South Park Square, Suite 800, Asheville, NC, 28801 (attorneys for Francisco Villalobos Lopez), and Geoffrey Gibbon, Esquire, PO Box 2980, Greenville, SC, 29602 (attorneys for Socorro Castillo Montel). The Appellants, Marick Home Builders, LLC and Rick Thoennes, appeal the May 22, 2013 Order of the Honorable Alexander S. Macaulay, filed May 22, 2013. Copies of the Order are attached hereto.



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June 6, 2013

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June 6, 2013

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

**Re: Stoneledge at Lake Keowee Owners' Association, Inc., et al. vs. IMK  
Development Co., LLC, et al. vs. Michael Franz, et al.  
Oconee County Case Number: 2009-CP-37-652**

Dear Ms. Kitchings,

Enclosed for filing with regard to the above-referenced matter, please find the following:

1. Notice of Appeal (with Exhibit "A");
2. Proof of Service of the Notice of Appeal on the Respondents; and
3. This firm's check in the amount of \$100.00 for the filing fee.

I have also included an extra copy of the Notice of Appeal with Proof of Service and would appreciate your returning these copies, file-stamped, to me in the envelope provided for your convenience. Should you have any questions, please do not hesitate to contact me.

Thank you for your time and consideration.

Sincerely,

  
Jason M. Imhoff

JMI/ads  
Enclosure

Cc: All Counsel of Record (via electronic mail only)  
The Honorable Alexander S. Macaulay  
Christopher G. Lewis, Esquire  
D. Andrew Williams, Esquire

Geoffrey Gibbon, Esquire  
Ms. Beverly H. Whitefield  
K. Lindsay Terrell, Esquire  
Steven P. Hughes, Esquire

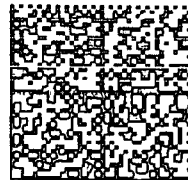
The Honorable Jenny Abbott Kitchings  
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Page 2

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