

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

JUN 27 2013

**SC Court of Appeals**

APPEAL FROM Horry COUNTY  
Court of Common Pleas

Thomas W. Cooper, Jr., Special Referee

Appellate Case No.: 2013-000956

David A. Johnson, Susan Weisenburger, John Terman, Jr., Darcy A Terman, Paul Farese, James Farese, Dennis Ducate, Joan Mclellan, David A. Demer, Christine A. Demer, and Ginger Metts Richardson, Respondents,

v.

SVI Hospitality, LLC and National Bank of South Carolina, Defendants,

v.

Haricharan J. Mishra and Illa H. Mishra, Third-Party Plaintiffs,

v.

Superior Construction Corporation, ..... Third Party Defendant,


v.

Of Whom National Bank of South Carolina is the Appellant.

**CONSENT MOTION TO WITHDRAW AND DISMISS APPEAL**

Pursuant to an agreement entered between the parties, National Bank of South Carolina ("NBSC") and David A. Johnson, Susan Weisenburger, John Terman, Jr., Darcy A Terman, Paul Farese, James Farese, Dennis Ducate, Joan McLellan, David A. Demer, Christine A. Demer, and Ginger Metts Richardson, hereby withdraw and dismiss this appeal. Each party will bear its own costs in this matter.

Respectfully submitted,



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HAYNSWORTH SINKLER BOYD, P.A.

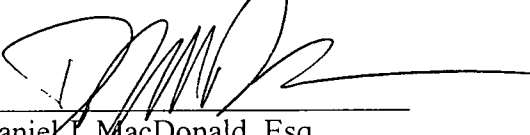
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(864) 240-3220

*Attorneys for Appellant NBSC*

\_\_\_\_\_, 2013

We so move and consent:



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Daniel J. MacDonald, Esq.  
Anna S. Magann, Esq., Rice  
MacDonald, Breeden & Hicks, P.A.  
950 48<sup>th</sup> Avenue North, Suite 200  
Myrtle Beach, South Carolina 29577-5434

Attorneys for David A. Johnson, Susan Weisenburger, John Terman, Jr., Darcy A Terman, Paul Farese, James Farese, Dennis Ducate, Joan McLellan, David A. Demer, Christine A. Demer, and Ginger Metts Richardson

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Of Whom National Bank of South Carolina is the Appellant.

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**PROOF OF SERVICE**

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I certify I have served the Consent Motion to Withdraw and Dismiss Appeal by depositing a copy of it on June 25, 2013, addressed to the attorneys of record for Respondents: Daniel J. MacDonald, Esq., Anna S. Magann, Esq., Rice, MacDonald, Breeden & Hicks, P.A. , 950 48<sup>th</sup> Avenue North , Suite 200, Myrtle Beach, South Carolina 29577-5434 and Fred B. Newby, Esq., Newby, Sartip, Masel & Casper, LLC, Post Office Box 808, Myrtle Beach, South Carolina 29578-0808.

  
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*Attorneys for Appellant NBSC*

June 25, 2013

Haynsworth  
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BY THE SOUTH CAROLINA SUPREME COURT  
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June 25, 2013

Jenny Abbott Kitchings, Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, South Carolina 29211

RE: *David A. Johnson, et al. v. SVI Hospitality, LLC, National Bank of South Carolina, et al.*  
Appellate Case No.: 2013-000956  
HSB File No.: 06765.0573

Dear Ms. Kitchings:

Please have a member of your staff receive and file the following enclosed items in the above-referenced matter:

1. Consent Motion to Withdraw and Dismiss Appeal; and
2. Certificate of Service.

I would appreciate your filing the above and returning the clocked copy of each in the envelope provided for your convenience.

Thank you very much for your assistance in this matter.

Sincerely yours,

  
Tara E. Nauful

Enclosure (as stated)

cc: Daniel J. MacDonald, Esq.  
Anna S. Magann, Esq.  
Fred B. Newby, Esq.

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