

July 12, 2023

Honorable Claire Allen  
Deputy Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

**RECEIVED**  
**Jul 12 2023**  
**SC Court of Appeals**

Re: David Hannemann, as President of the Live Oak Village Homeowner's Association, Inc. v.  
William McFarland  
C/A No. 2016-CP-18-01812, Dorchester CP  
Appellate Case No. 2020-001029  
HLF File No. 599.000

Dear Claire:

Respondent Hannemann submits this letter pursuant to Rule 208 (b)(7), SCACR, to advise the Court of a supplemental citation. In the Statement of the Facts in his Final Brief (page 8, footnote 4), the Respondent referenced a then pending appeal in an older related action referred to as the 2012 Lawsuit [Jennifer McFarland, et al. v. Thomas Morris, et al., Ct. App. No. 2019-000644]. During oral argument in this appeal on May 5, 2023, Judge Geathers posed questions regarding the appeal in that older 2012 action, Respondent submits this letter as an update to report that the Supreme Court has issued an order on June 7, 2023, denying Mrs. McFarland's petition for a writ of certiorari and issued the remittitur on June 12, 2023. Copies of the Supreme Court's Order and Remittitur are attached for the Court's convenience.

Kind regards,

Yours truly,



James B. Hood

JBH/hnb  
Enclosure  
cc: Russell G. Hines, Esquire



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

CATHERINE S. HARRISON  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

June 12, 2023

The Honorable Cheryl L. Graham  
5200 E Jim Bilton Blvd  
St George SC 29477-8020

## REMITTITUR

Re: Jennifer McFarland v. Thomas Morris  
Lower Court Case No. 2012CP1802583  
Appellate Case No. 2019-000644

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

  
CLERK

Enclosure

cc: Russell Grainger Hines, Esquire  
Morgan S. Templeton, Esquire  
William Wharton Watkins, Jr., Esquire  
John Joseph Dodds, IV, Esquire

FILED-RECORDED  
2023 JUN 14 PM 1:24  
CHERYL GRAHAM  
CLERK OF COURT  
DORCHESTER COUNTY

The Supreme Court of South Carolina

Jennifer McFarland and Carlton Holcombe, Petitioners,

v.

Thomas Morris and David Hannemann, Respondents.

Appellate Case No. 2022-000847

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Jun 07 2023

SC Court of Appeals

ORDER

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CLERK OF COURT  
CHARLESTER COUNTY

Based on the vote of the Court, the petition for a writ of certiorari is denied.

FOR THE COURT

BY Patricia A. Howard

CLERK

Hill, J., not participating

Columbia, South Carolina

June 7, 2023

cc:

- Morgan S. Templeton, Esquire
- William Wharton Watkins, Jr., Esquire
- John Joseph Dodds, IV, Esquire
- Graham Pollock Powell, Esquire
- Russell Grainger Hines, Esquire
- The Honorable Jenny Abbott Kitchings

# The South Carolina Court of Appeals

Jennifer McFarland and Carlton Holcombe, Appellants,

v.

Thomas Morris and David Hannemann, Respondents.

Appellate Case No. 2019-000644

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CLERK OF COURT  
ROCHESTER COUNTY

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## ORDER

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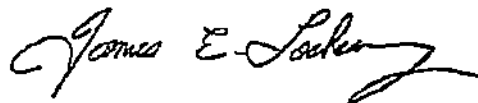
After careful consideration of the petition for rehearing, this court has discovered no material fact or principle of law that has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.



J.



J.



J.

Columbia, South Carolina

cc:

Russell Grainger Hines, Esquire  
Morgan S. Templeton, Esquire  
William Wharton Watkins, Jr., Esquire  
John Joseph Dodds, IV, Esquire  
Graham Pollock Powell, Esquire  
The Honorable Maite Murphy

**FILED**  
**May 19 2022**

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

Jennifer McFarland and Carlton Holcombe, Appellants,

v.

Thomas Morris and David Hannemann, Respondents.

Appellate Case No. 2019-000644

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Appeal From Dorchester County  
Maite Murphy, Circuit Court Judge

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Unpublished Opinion No. 2022-UP-113  
Heard February 9, 2022 – Filed March 16, 2022

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**AFFIRMED**

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Russell Grainger Hines, of Clement Rivers, LLP, of  
Charleston, for Appellants.

Morgan S. Templeton and William Wharton Watkins, Jr.,  
both of Wall Templeton & Haldrup, PA, and John Joseph  
Dodds, IV, of Yarborough Applegate, LLC, all of  
Charleston, and Graham Pollock Powell, of The Powell  
Firm, of Mount Pleasant, for Respondents.

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**PER CURIAM:** Affirmed pursuant to Rule 220(b), SCACR, and the following  
authorities: S.C. Code Ann. § 33-31-830(a) (2006) ("A director shall discharge his

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DORCHESTER COUNTY

duties as a director, including his duties as a member of a committee: (1) *in good faith*; (2) with the care an *ordinarily prudent person in a like position* would exercise under similar circumstances; and (3) in a manner the director *reasonably believes to be in the best interests of the corporation.*" (emphases added)); S.C. Code Ann. § 33-31-830(d) (2006) ("A director is not liable to the corporation, a member, or any other person for any action taken or not taken as a director, if the director acted in compliance with this section."); S.C. Code Ann. § 33-31-831(a) (2006) ("A conflict of interest transaction is not voidable or the basis for imposing liability on [a] director if the transaction was fair to the corporation at the time it was entered into . . ."); Rule 208(b)(1)(B), SCACR ("Broad general statements may be disregarded by the appellate court."); Rule 208(b)(1)(E), SCACR ("At the head of each part, the particular issue to be addressed shall be set forth in distinctive type, followed by discussion and citations of authority."); *Buffington v. T.O.E. Enters.*, 383 S.C. 388, 393, 680 S.E.2d 289, 291 (2009) ("[W]hile there is no formulaic balancing test, . . . courts should consider equitable doctrines when determining whether to enforce a restrictive covenant . . . . Indeed, an action to enforce a restrictive covenant is an action in equity, and to hold that a court must issue an injunction as a matter of law upon a finding that a restrictive covenant has been violated is erroneous."); *Duckett by Duckett v. Payne*, 279 S.C. 94, 96, 302 S.E.2d 342, 343 (1983) ("[T]he appellant carries the burden of convincing this [c]ourt that the trial court erred."); *Lollis v. Dutton*, 421 S.C. 467, 477, 807 S.E.2d 723, 728 (Ct. App. 2017) ("On appeal from an action in equity, [the appellate court] may find facts in accordance with its view of the preponderance of the evidence." (alteration in original) (quoting *Walker v. Brooks*, 414 S.C. 343, 347, 778 S.E.2d 477, 479 (2015))); *id.* at 478, 807 S.E.2d at 728 ("However, this broad scope of review does not require this court to disregard the findings at trial or ignore the fact that the [circuit court] was in a better position to assess the credibility of the witnesses." (alteration in original) (quoting *Laughon v. O'Braitis*, 360 S.C. 520, 524–25, 602 S.E.2d 108, 110 (Ct. App. 2004))); *id.* ("Further, 'this broad scope does not relieve the appellant of [the] burden to show that the trial court erred in its findings.'" (alteration in original) (quoting *Ballard v. Roberson*, 399 S.C. 588, 593, 733 S.E.2d 107, 109 (2012))); *Rawlinson Rd. Homeowners Ass'n v. Jackson*, 395 S.C. 25, 35, 716 S.E.2d 337, 343 (Ct. App. 2011) ("A party seeking injunctive relief 'must demonstrate irreparable harm, a likelihood of success on the merits, and the absence of an adequate remedy at law. An injunction is a *drastic remedy* issued by the court *in its discretion* to prevent irreparable harm suffered by the plaintiff.'" (emphases added) (quoting *Denman v. City of Columbia*, 387 S.C. 131, 140–41, 691 S.E.2d 465, 470 (2010))); *S.C. Dep't of Soc. Servs. v. Mother ex rel. Minor Child*, 375 S.C. 276, 283, 651 S.E.2d 622, 626 (Ct. App. 2007) ("[W]e note this issue is abandoned because Mother makes a

conclusory argument without citation of any authority to support her claim."); *Ellie, Inc. v. Miccichi*, 358 S.C. 78, 99, 594 S.E.2d 485, 496 (Ct. App. 2004) ("Numerous cases have held that where an issue is not argued within the body of the brief but is only a short conclusory statement, it is abandoned on appeal.").

**AFFIRMED.**

**GEATHERS and HILL, JJ., and LOCKEMY, A.J., concur.**