

**RECEIVED**

**Jul 13 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge

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Case No. 2018-CP-26-00307

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Wedgewood Condominium Association,

Respondent,

v.

Centex Homes, a Nevada General Partnership and Balfour Beatty Construction, LLC as successor by merger to Centex Construction Company, Inc. and Centex Construction, LLC, Crescent Architects, LLC and CEMS Engineering, Inc., Defendants,

Of which Centex Homes, a Nevada General Partnership and Balfour Beatty Construction, LLC as successor by merger to Centex Construction Company, Inc. and Centex Construction, LLC are the Appellants.

And

Centex Homes, a Nevada General Partnership, Third Party Plaintiff

v.

Right Way Construction, Inc. a/k/a RWG, Inc. a/k/a Right Way Group, Inc. a/k/a RWGR, Inc.; Frank Harris d/b/a Frank Harris Construction a/k/a F. Harris Construction a/k/a Harris Drywall; Builders FirstSource – Southeast Group, LLC; Stock Building Supply, LLC f/k/a Stock Building Supply, Inc. f/k/a Carolina Builders Corporation; Michael D. Brownlee d/b/a Carolina Drywall & Interiors; Carolina Drywall & Interior, Inc. a/k/a Carolina Drywall & Interiors, Inc. a/k/a Carolina Drywall Contractors, Inc.; Roof Doctor of the Carolinas, Inc.; John D. Frazier d/b/a and/or a/k/a Roof Doctor and/or Roof Doctor of the Carolinas and/or Roof Doctor of the Carolinas, Inc.; Steven Bosch d/b/a The Roofer Man; Tri-City Insulation and Building Products of Myrtle Beach, Inc.; Martin Mata d/b/a Martin Masonry; Martin Masonry, Inc.; BR Brick & Masonry, Inc.; BR Brick & Masonry, LP f/k/a BR Brick & Masonry, Inc.; Unicon Concrete, LLC; Seno's Cleaning Service; American Residential Services, Inc.; Rice Planter Carpets, Inc. n/k/a Creative Touch Interiors, Inc., Floors, Inc. successor by merger to Rice Planter Carpets, Inc.; Carpets By Kendall, Inc.; Reliable Floor Systems, Inc.; TNT Painting; Paint with Pride a/k/a Painting with Pride; William Evans d/b/a Top Notch Painters; Morningstar Consultants Inc.; MI Windows and Doors, LLC; Michael Dawson d/b/a Michael Dawson Construction, and Inc.; Vereen Concrete Co. Inc.; AK

Construction Inc. a/k/a AK Framing and Siding Co.; AK United, Inc. f/k/a AK Construction Inc.,  
Third Party Defendants.

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**NOTICE OF APPEAL**

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Appellants Centex Homes, a Nevada General Partnership and Balfour Beatty Construction, LLC as successor by merger to Centex Construction Company, Inc. and Centex Construction, LLC (collectively, “Centex”) appeal the following orders issued by the Honorable Carmen T. Mullen:

1. Form 4 Order denying Centex’s Motion for Judgment Notwithstanding the Verdict, or in the alternative, a New Trial and denying Centex’s Motion for a New Trial or in the alternative *Nisi Remittitur*, filed June 14, 2023;
2. Amended Form 4 Order and Judgment, filed June 8, 2023.
3. Form 4 Order and Judgment, filed June 1, 2023.

Centex received notice of the Court’s Order denying Centex’s Motion for Judgment Notwithstanding the Verdict, or in the alternative, a New Trial and denying Centex’s Motion for a New Trial or in the alternative *Nisi Remittitur* on June 14, 2023. A copy of each of the identified Orders is enclosed herewith.

s/Thomas C. Hildebrand, Jr.

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July 13, 2023

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Of which Centex Homes, a Nevada General Partnership and Balfour Beatty Construction, LLC as successor by merger to Centex Construction Company, Inc. and Centex Construction, LLC are the Appellants.

And

Centex Homes, a Nevada General Partnership, Third Party Plaintiff

v.

Right Way Construction, Inc. a/k/a RWG, Inc. a/k/a Right Way Group, Inc. a/k/a RWGR, Inc.; Frank Harris d/b/a Frank Harris Construction a/k/a F. Harris Construction a/k/a Harris Drywall; Builders FirstSource – Southeast Group, LLC; Stock Building Supply, LLC f/k/a Stock Building Supply, Inc. f/k/a Carolina Builders Corporation; Michael D. Brownlee d/b/a Carolina Drywall & Interiors; Carolina Drywall & Interior, Inc. a/k/a Carolina Drywall & Interiors, Inc. a/k/a Carolina Drywall Contractors, Inc.; Roof Doctor of the Carolinas, Inc.; John D. Frazier d/b/a and/or a/k/a Roof Doctor and/or Roof Doctor of the Carolinas and/or Roof Doctor of the Carolinas, Inc.; Steven Bosch d/b/a The Roofer Man; Tri-City Insulation and Building Products of Myrtle Beach, Inc.; Martin Mata d/b/a Martin Masonry; Martin Masonry, Inc.; BR Brick & Masonry, Inc.; BR Brick & Masonry, LP f/k/a BR Brick & Masonry, Inc.; Unicon Concrete, LLC; Seno's Cleaning Service; American Residential Services, Inc.; Rice Planter Carpets, Inc. n/k/a Creative Touch Interiors, Inc., Floors, Inc. successor by merger to Rice Planter Carpets, Inc.; Carpets By Kendall, Inc.; Reliable Floor Systems, Inc.; TNT Painting; Paint with Pride a/k/a Painting with Pride; William Evans d/b/a Top Notch Painters; Morningstar Consultants Inc.; MI Windows and Doors, LLC; Michael Dawson d/b/a Michael Dawson Construction, and Inc.; Vereen Concrete Co. Inc.; AK

Construction Inc. a/k/a AK Framing and Siding Co.; AK United, Inc. f/k/a AK Construction Inc.,  
Third Party Defendants.

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**PROOF OF SERVICE**

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The undersigned hereby certifies that on July 13, 2023, copies of **NOTICE OF APPEAL** were served on all counsel of record via emails containing the above-referenced document to counsels' individual AIS email addresses:

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July 13, 2023

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**Subject:** Wedgewood Condominium Association v. Centex Homes, et al. - Notice of Appeal  
**Date:** Thursday, July 13, 2023 2:08:21 PM  
**Attachments:** [Letter to clerk filing notice of appeal 7-13-2023.pdf](#)  
[Notice of Appeal.pdf](#)  
[Proof of Service.pdf](#)  
[2023-06-08 Amended Form 4 \(Listing Parties Judgment is Against\).pdf](#)  
[2023-06-01 Form 4 Dismissing the Case.pdf](#)  
[2023-06-14 Form 4 Denying Centex's Motion for JNOV.pdf](#)

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Good Afternoon,

Attached for service in the *Wedgewood Condominium Association v. Centex Homes, A Nevada General Partnership, et.al*, Case Number: 2018-CP-26-00307, matter please find Centex Homes, a Nevada General Partnership and Balfour Beatty Construction, LLC as successor by merger to Centex Construction Company, Inc. and Centex Construction, LLC's Notice of Appeal, the orders being challenged on appeal, and Proof of Service. The attached documents and a check for the \$250.00 filing fee are being filed with the Court of Appeals today.

Thank you.



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July 13, 2023

**RECEIVED**  
**Jul 13 2023**  
**SC Court of Appeals**

**VIA EMAIL AND US MAIL**

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**Re: Wedgewood Condominium Association vs. Centex Homes, et al.**  
**Case No.: 2018-CP-26-0307**

Dear Mrs. Kitchings:

Enclosed for filing please find Appellants Centex Homes, a Nevada General Partnership and Balfour Beatty Construction, LLC as successor by merger to Centex Construction Company, Inc. and Centex Construction, LLC's Notice of Appeal in the above-referenced matter. Also enclosed please find copies of the orders to be challenged on appeal, the Proof of Service and this Firm's check in the amount of \$250.00 for the filing fee.

By copy of this correspondence we are serving all counsel of record with a copy of the Notice of Appeal. A copy of this Notice of Appeal will also be filed electronically with the Horry County Clerk of Court. Should you have any questions regarding this matter, please do not hesitate to contact me.

With best regards,

Yours very truly,

Thomas C. Hildebrand, Jr.  
TCHJr/lah  
Enclosures

cc: The Honorable Renee Elvis (via e-filing and US Mail)  
Stacy L. Stanley, Esquire (via US Mail and email)  
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PPAB 8943811v1