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**Jul 10 2023**

**SC Court of Appeals**

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July 10, 2023

**Via E-mail [ctappfilings@sccourts.org]**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

**Re: Royal Palms Property Owners Association Inc , plaintiff, et al VS Alpha Prime  
LLC , defendant, et al  
Appellate Case No. 2023-000542**

Dear Mrs. Kitchings,

Please accept this correspondence on behalf of Appellant Lennar Carolinas, LLC in regard to the above-referenced appeal. The purpose of this correspondence is to provide the Court with notice that Lennar Carolinas, LLC complied with the Court's July 5, 2023 Order granting it leave to file the Notice of Appeal with the Circuit Court out of time and filed the Notice of Appeal with the Clerk of the Circuit Court on July 6, 2023. A file stamped copy of the Notice of Appeal that was filed with the Circuit Court pursuant to the Court's order is attached hereto.

Sincerely,

*s/Katon E. Dawson, Jr.*

Katon E. Dawson, Jr.

KED

cc: All Counsel for the Respondent

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Keith Kelly, Circuit Court Judge

Case No. 2020-CP-10-03931

Royal Palms Property Owners Association, Inc.,

Respondent,

v.

Alpha Prime LLC, Alpha Prime Construction LLC, Sagehorn And Company Inc., Royal Palms Holding LLC, Lennar Carolinas LLC, Alpha Omega Construction Group, Inc., Valmar Nunes, individually, Bruza Construction LLC, Simons Construction Company, LLC, Cesar E Desouza a/k/a Cesar Desouza, individually, Raul Martinez Masonry LLC, Mark Wolverton, individually, DVS, Inc., Carolina Foundation, Inc., CEBS Construction, LLC a/k/a CEBS Custom Homes, LLC, Archer Exteriors, Inc., JAS Construction Services, LLC, Henry Palmer, individually and d/b/a Palmer's Construction Services, LLC, Angelo De Souza, individually and d/b/a Sunrise Siding, LLC, WW Pereira Construction, LLC, GC General Construction, LLC, Siding Construction, LLC, Builders Firstsource - Southeast Group, LLC, Associated Materials Incorporated a/k/a and d/b/a Alside; Cohen's Drywall Company, Inc.; Guaranteed Framing, LLC; Hurley Services, LLC; Sunrise Windows And Doors, LLC; Pereira Construction, LLC; Della Putti Construction; J. Plitz Construction, LLC; CMAC Construction, LLC; Henry's Construction & Trucking, Inc.; Charlotte Mechanical, LLC; Ethridge Electric Co., LLC; Builders Insulation of North Carolina, LLC a/k/a City Wide Insulation of Madison, Inc. a/b/a Builders' Insulation; Tradition Builders, Inc.; Heaven Woodworks, Inc.; Bishop & Sons Plumbing & Piping, Inc.; Arteaga Roofing, LLC; Melinda Amador; James Bayles; Blanca Christina Lopez a/k/a Blanca Christina Chaves; Flavio Morales; Daniel Leon Ramos; Juan Garza Ramos; Fidel Morales; and City Wide Insulation of Madison, Inc. d/b/a Builders Insulation; Defendants

Of which Lennar Carolinas, LLC is the Appellant.

And

Builders Firstsource-Southeast Group, LLC, Third Party Plaintiff

v.

Hurley Services, LLC and Sunrise Windows and Doors, LLC and Sunrise Windows and Doors LLC, Third-Party Defendants

And

Sagehorn and Company, Inc., Third Party Plaintiff

v.

Henry's Construction Trucking, Inc., Charlotte Mechanical, LLC, Ethridge Electric Co., LLC, Builders Insulation of North Carolina, LLC, Tradition Builders, Inc., Heaven Woodworks, Inc., Bishop & Sons Plumbing & Piping, Inc., and John Doe 1-10, Third Party Defendants

And

Alpha Omega Construction Group, LLC, Third Party Plaintiff

v.

Arteaga Roofing, LLC, Melinda Amador, James Bayles, Blanca Christina Lopez, Flavio Morales, Daniel Leon Ramos, Juan Garza Ramos and Fidel Morales, Third Party Defendants.

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**NOTICE OF APPEAL**

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Lennar Carolinas, LLC ("Lennar") appeals the Honorable Keith Kelly's order denying Lennar's Motion to Compel Arbitration, filed on February 21, 2023, and the Honorable Keith Kelly's order denying Lennar's Motion to Alter or Amend, filed on March 2, 2023. Lennar received notice of the circuit court's denial of the Motion to Alter or Amend on March 2, 2023. The order denying the Motion to Compel Arbitration and the Order denying the Motion to Alter or Amend are attached hereto as **Exhibit 1**.

s/Katon E. Dawson Jr.

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April 3, 2023

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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Keith Kelly, Circuit Court Judge

Case No. 2020-CP-10-03931

Royal Palms Property Owners Association, Inc.,

Respondent,

v.

Alpha Prime LLC, Alpha Prime Construction LLC, Sagehorn And Company Inc., Royal Palms Holding LLC, Lennar Carolinas LLC, Alpha Omega Construction Group, Inc., Valmar Nunes, individually, Bruza Construction LLC, Simons Construction Company, LLC, Cesar E Desouza a/k/a Cesar Desouza, individually, Raul Martinez Masonry LLC, Mark Wolverton, individually, DVS, Inc., Carolina Foundation, Inc., CEBS Construction, LLC a/k/a CEBS Custom Homes, LLC, Archer Exteriors, Inc., JAS Construction Services, LLC, Henry Palmer, individually and d/b/a Palmer's Construction Services, LLC, Angelo De Souza, individually and d/b/a Sunrise Siding, LLC, WW Pereira Construction, LLC, GC General Construction, LLC, Siding Construction, LLC, Builders Firstsource - Southeast Group, LLC, Associated Materials Incorporated a/k/a and d/b/a Alside; Cohen's Drywall Company, Inc.; Guaranteed Framing, LLC; Hurley Services, LLC; Sunrise Windows And Doors, LLC; Pereira Construction, LLC; Della Putti Construction; J. Plitz Construction, LLC; CMAC Construction, LLC; Henry's Construction & Trucking, Inc.; Charlotte Mechanical, LLC; Ethridge Electric Co., LLC; Builders Insulation of North Carolina, LLC a/k/a City Wide Insulation of Madison, Inc. a/b/a Builders' Insulation; Tradition Builders, Inc.; Heaven Woodworks, Inc.; Bishop & Sons Plumbing & Piping, Inc.; Arteaga Roofing, LLC; Melinda Amador; James Bayles; Blanca Christina Lopez a/k/a Blanca Christina Chaves; Flavio Morales; Daniel Leon Ramos; Juan Garza Ramos; Fidel Morales; and City Wide Insulation of Madison, Inc. d/b/a Builders Insulation; Defendants

Of which Lennar Carolinas, LLC is the Appellant.

And

Builders Firstsource-Southeast Group, LLC, Third Party Plaintiff

v.

Hurley Services, LLC and Sunrise Windows and Doors, LLC and Sunrise Windows and Doors LLC, Third-Party Defendants

And

Sagehorn and Company, Inc., Third Party Plaintiff

v.

Henry's Construction Trucking, Inc., Charlotte Mechanical, LLC, Ethridge Electric Co., LLC, Builders Insulation of North Carolina, LLC, Tradition Builders, Inc., Heaven Woodworks, Inc., Bishop & Sons Plumbing & Piping, Inc., and John Doe 1-10, Third Party Defendants

And

Alpha Omega Construction Group, LLC, Third Party Plaintiff

v.

Arteaga Roofing, LLC, Melinda Amador, James Bayles, Blanca Christina Lopez, Flavio Morales, Daniel Leon Ramos, Juan Garza Ramos an Fidel Morales, Third Party Defendants.

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**PROOF OF SERVICE**

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The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
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Re: ***Royal Palms Property Owner Association, on behalf of themselves and similarly situated, v. Lennar Carolinas, LLC, et al.***  
**Case No. 2020-CP-10-03931**

Dear Mrs. Kitchings:

Enclosed for filing please find Appellant Lennar Carolinas, 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 in satisfaction of the Court of Appeal's 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 Charleston County Clerk of Court. Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Katon E. Dawson, Jr.

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