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Aug 09 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge

Appellate Case No. 2023-001132
Case No. 2018-CP-26-00307

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.

APPELLANTS' MOTION TO BE RELIEVED AS COUNSEL

Counsel for 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") respectfully request that Robert C. Byrd and William G. Land be removed as attorneys of record pursuant to Rule 11(b), SCRCP, and Rule 240(a), SCACR. Pursuant to Rule 264(b), SCACR, Centex has consented to the withdrawal of Mr. Byrd and Mr. Land as counsel of record and received written notice that they are withdrawing as counsel for Centex in this matter.

The representation of Centex will remain with Thomas C. Hildebrand, Jr., Katon E. Dawson, Jr., William G. DesChamps, IV, and Paul N. Nybo of Parker Poe Adams & Bernstein, LLP, and Stephanie A. Douglas and Jeffrey A. Turner of Bush Seyferth PLLC.

s/ Thomas C. Hildebrand, Jr.

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William G. DesChamps, IV (S.C. Bar No. 100596)
Paul N. Nybo (S.C. Bar No. 105825)
Robert C. Byrd (S.C. Bar No. 1069)
William G. Land (S.C. Bar No. 104179)
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Attorneys for 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

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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.

PROOF OF SERVICE

The undersigned hereby certifies that on August 9, 2023, copies of **APPELLANTS' MOTION TO BE RELIEVED AS COUNSEL, NOTICE OF APPEARANCE OF STEPHANIE A. DOUGLAS, NOTICE OF APPEARANCE OF JEFFREY A. TURNER AND NOTICE OF APPEARANCE OF PAUL N. NYBO** were served on all counsel of record via emails containing the above-referenced document to counsels' individual AIS email addresses:

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Attorneys for Respondent Wedgewood Condominium Association

s/Thomas C. Hildebrand, Jr.

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Paul N. Nybo (S.C. Bar No. 105825)
Robert C. Byrd (S.C. Bar No. 1069)
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August 9, 2023



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August 9, 2023

Via U.S. Mail and Email [ctappfilings@sccourts.org]

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

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SC Court of Appeals

Re: ***The Wedgewood Condominium Association vs. Centex Homes, et al.***
Appellate Case No.: 2023-001132
Case No.: 2018-CP-26-00307

Dear Ms. Kitchings,

Enclosed herewith please find a copy of 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 (collectively, "Appellants") Motion to Relieve Bobby C. Byrd and Greyson W. Land as Counsel of Record, Proof of Service, and our firm's check in the amount of \$50.00 for the filing fee.

Also enclosed herewith are copies of (1) the Notice of Appearance of Stephanie A. Douglas as counsel for Appellants; (2) the Notice of Appearance of Jeffrey A. Turner as counsel for Appellants; and (3) the Notice of Appearance of Paul N. Nybo as counsel for Appellants.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

s/Katon E. Dawson Jr.

Katon E. Dawson, Jr.

KED
Enclosures

Cc: Stacy L. Stanley, Esquire (via email sstanley@stanleylawfirm.com)
Gene M. Connell, Jr., Esquire (via email gconnell@classactlaw.net)