

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Stephanie P. McDonald, Circuit Court Judge

Case No. 2010-CP-07-00790

RECEIVED

JUL 10 2013

SC Court of Appeals

Sandy Lane HPR,.....Plaintiff,

vs.

Harden Fraser Construction, Fraser Construction Co., Inc., Goff D'Antonio Associates, Daufuskie Island Oceanfront, LLC, BPMA, Inc., James Stewart d/b/a Classic Stucco, Pro-Plastering, Inc., Cone Caulking Company, ABG Caulking Contractors, Inc., Sto, Inc., TM Windows & Doors, LLC, B. Cheek Enterprises d/b/a Bonita Stucco, Savannah Architectural Supply, Inc., Ask Us Supply, Inc., d/b/a Savannah Architectural Supply, Security Impact Glass, LLC,.....Defendants,

Of Whom, James Stewart d/b/a Classic Stucco is the.....Appellant

and

Fraser Construction Co., Inc. is the.....Respondent.

CONSENT MOTION TO DISMISS APPEAL

The Appellant James Stewart d/b/a Classic Stucco, with the consent of the Respondent Fraser Construction Co., Inc., hereby requests that the Court dismiss this appeal. As indicated in the attached letter, the parties have reached a settlement agreement that renders moot all issues on appeal. For that reason, the parties wish to end this appeal. Upon remand to the circuit court,

the parties will file all necessary documents to terminate the action with prejudice. Therefore, the parties request that the Court issue an order dismissing this appeal and remanding this action to the circuit court.

Respectfully submitted,

R. Hawthorne Barrett

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Attorneys for the Appellant James Stewart
d/b/a Classic Stucco

July 10, 2013

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July 8, 2013

VIA EMAIL – fsmith@richardsonplowden.com
Franklin J. Smith, Jr.
Richardson Plowden & Robinson, PA
P.O. Drawer 7788
Columbia, SC 29202

Re: Sandy Lane HRP v. Harden Fraser Construction et al.
Civil Action No.: 2010-CP-07-00790
Our File No.: 490.445


Dear Frank:

I am writing to confirm our agreement to settle this case for \$175,000.00. This settlement includes all issues in the underlying claim between our clients including the recent appeal which we filed. As a follow-up to our conversation today, we intend to file a Consent Motion to Dismiss the Appeal, and I would ask that you sign this letter and return it to me as confirmation that we have settled the underlying claim and that you consent to our dismissal of the appeal.

With best regards,

Sincerely,

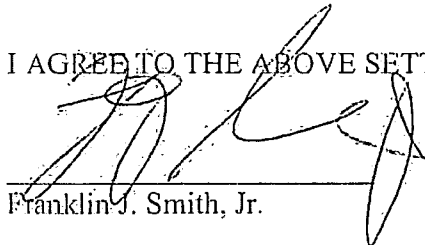
TURNER, PADGET, GRAHAM & LANEY, P.A.



G. Troy Thames

GTT:et
enclosure

I AGREE TO THE ABOVE SETTLEMENT TERMS:



Franklin J. Smith, Jr.

BUSINESS • LITIGATION • SOLUTIONS

Gateway Center • Suite 200 • 40 Calhoun Street (29401) • PO Box 22129 • Charleston, SC 29413
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Of Whom, James Stewart d/b/a Classic Stucco is the.....Appellant

and

Fraser Construction Co., Inc. is the.....Respondent.

PROOF OF SERVICE

The undersigned, an attorney in this matter for the Appellant James Stewart d/b/a Classic Stucco, certifies that I have this 10th day of July, 2013, served a copy of the **Consent Motion to Dismiss Appeal** upon counsel of record for the Respondent by causing it to be deposited in the

United States mail with sufficient postage affixed, addressed to: Franklin J. Smith, Jr., and Jarred H. Garraux; Richardson Plowden & Robinson, P.A.; 1900 Barnwell St., Columbia, SC 29201.

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July 10, 2013

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July 10, 2013

VIA HAND DELIVERY

The Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

RECEIVED

JUL 10 2013

SC Court of Appeals

Re: Sandy Lane v. Harden Fraser
Appellate Case No. 2013-001065
Our File No.: 490.445

Dear Ms. Kitchings:

Enclosed are the original and seven copies of a Consent Motion to Dismiss Appeal, along with the original and one copy of the Proof of Service. Please file the originals and necessary copies and return the extra stamped copies to our courier. A check for the filing fee is also enclosed. Thank you for your kind assistance.

Sincerely,

TURNER, PADGET, GRAHAM & LANEY, P.A.

R. Hawthorne Barrett

R. Hawthorne Barrett

RHB:
Enclosures

cc: Franklin J. Smith, Jr., Esq.

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