



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

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CHIEF 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

October 03, 2023

The Honorable Jerri Ann Roseneau
PO Box 1128
Beaufort SC 29901-1128

PARTIAL REMITTITUR

Re: Coffin Point Plantation Homeowners Association, Inc. v. The State of South
Carolina
Lower Court Case No. 2018CP0702109
Appellate Case No. 2022-000475

Dear Clerk of Court:

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

Very truly yours,

A handwritten signature in blue ink that reads "Jenny A. Kitchings".

CLERK

Enclosure

cc: Alan McCrory Wilson, Esquire
Robert D. Cook, Esquire

H. Fred Kuhn, Jr., Esquire
J. Emory Smith, Jr., Esquire
Jeanine Skok
Lawrence Casler
Carol Morrissey
Dean Morrissey
Ralph Netherland
Gloria Netherland
Special Trust of William B. Fahrner
Mark Heles
Beverly Heles
David Smith
Lynn Smith
Revocable Living Trust of Thomas Walterhoefer
Ceclily Deegan McMillan
Steven Teets
Lucinda Teets
Beverly Boulware
Russell Waldon
Nicolette Waldon
David Shaffer
Delora Cook
Gerald Hartwig
Carol Hartwig
Paulette Brown
Benjamin Couch
Thomas S. Clark Family Living Trust
Euniceteen Diggs
Janet Kathleen Reynolds Trust
Slade Family Revocable Trust
David C. Strother
Andrew Seward
Ashley Heath Madilon
Arnold Hollis
Lillian Hollis
Jennifer Allen
Travis Washington
Janet Embly
Scott Simmons Omari Trust
Mary Hudson

Rachelle Carolynne Owens Revocable Trust
Gerald L. Wayne
Vivian M. Wayne
Mary Gaskin Germann
Grant Martin Germann
Gregory J. Giardina
Melissa Basenburg
Mark M. Hazard
Micah L. Meyers
Jennifer J. Meyers
John Joseph Edwards
Nancy Jean Edwards
Preston Ventures, LLC
Donald Lunardini
Kristina Barbara Moore Lunardini

The South Carolina Court of Appeals

Coffin Point Plantation Homeowners Association, Inc.,
Appellant,

v.

The State of South Carolina, Estate of Charles H. Lyman, The St. Helena Company, Its Successors or Assigns, The Estate of J.D. Cameron a/k/a J. Donald Cameron, The Estate of J.E. McTeer, Wilma Clark, Jeanine Skok, Lawrence Casler, Dean Morrissey, Carol Morrissey, Ralph Netherland, Gloria Netherland, Special Trust of William B. Fahrner, Mark Heles, Beverly Heles, David Smith, Lynn Smith, LiLi, LLC; Revocable Living Trust of Thomas Walterhoefer, Ceclily Deegan McMillan, Steven Teets, Lucinda Teets, Beverly Boulware, Russell Waldon, Nicolette Waldon, David Shaffer, Delora Cook, Gerald Hartwig, Carol Hartwig, Paulette Brown, Benjamin Couch, Thomas S. Clark Family Living Trust, Euniceteen Diggs, Janet Kathleen Reynolds Trust, Slade Family Revocable Trust, David C. Strother, Andrew Seward, Ashley Heath Madilon, Arnold Hollis, Lillian Hollis, Jennifer Allen, ZIA Exchange Company, LLC, Qualified Intermediary for Barbara J. Bailey Limited Partnership, Travis Washington, Janet Embly, Trustee and Individually, William S. Embly, Trustee and Individually, William S. Emblee, Trustee and Individually, Scott Simmons Omari Trust, Mary Hudson, Rachell Carolynne Owens Revocable Trust, Gerald Hartwig, Carol Hartwig, Gerald L. Wayne, Vivian M. Wayne, Lorrie Gaskin Germann, Grant Martin Germann, Gregory J. Giardina, Melissa Basenburg, Mark M. Hazard, Micah L. Meyers, Jennifer J. Meyers, John Joseph Edwards, Nancy Jean Edwards, Preston Ventures, LLC, Donald Lunardini, Kristina Barbara Moore Lunardini, Melissa Uhlman Revocable Trust and All Other Persons Known or Unknown Having Any Interest, Title, Estate or Interest In Or Lien Upon The Real

Property Described in the Complaint Herein Through the Above Defendants or Any Other Source Being Designated Collectively as John Doe and Mary Roe Including All Persons Who May Be Deceased, Minors, Persons in the Armed Forces of the United States of America, Insane or Incompetent Persons, and All Other Persons Under Any Other Disability Who Might Have or Claim to Have Any Right, Title or Interest in or Lien Upon the Real Property Described in the Complaint, Respondents.

Appellate Case No. 2022-000475

ORDER

First, Respondents David Smith and Lynn Smith have filed a motion to dismiss this appeal as to them. No return was filed. After careful consideration, the motion is granted. The partial remittitur will be sent as required by Rule 221(b), SCACR.

Second, Respondent the State of South Carolina has filed a motion to strike, asserting several documents designated for inclusion in the record and referenced in Appellant's initial brief were not presented to the lower court. Within twenty days of the date of this order, counsel for Appellant shall provide proof the following designated matters were actually presented to the lower court pursuant to Rule 210(c), SCACR: Appellant's designated matters 18-27; 33; and 36-38.


FOR THE COURT

Columbia, South Carolina

cc:
Alan McCrory Wilson, Esquire
Robert D. Cook, Esquire

FILED
Sep 29 2022

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J. Emory Smith, Jr., Esquire
Jeanine Skok
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Carol Morrissey
Dean Morrissey
Ralph Netherland
Gloria Netherland
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