



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

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October 03, 2023

**RECEIVED**

OCT 09 2023

SC Court of Appeals

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 cursive script 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  
Cecily 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

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ORDER

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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**

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  
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