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Jan 19 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM OCONEE COUNTY

Court of Common Pleas

R. Lawton McIntosh, Trial Court Judge

Case No.: 2009-CP-37-0652
Appellate Court Case No. 2022-001581

Paul W. Hund, III, Joan W. Davenport, Michael Furnari, Donna Furnari, Jessy B. Grasso, Nancy E. Grasso, Robert P. Hayes, Lucy H. Hayes, Ty Hix, Jennifer D. Hix, Ruth E. Isaac, Michael D. Plourde, Mary Lou Plourde, Carol C. Pope, Steven B. Taylor, Bette J. Taylor, Robert White, Stoneledge at Lake Keowee Owners' Association, Inc., Respondents

v.

IMK Development Co., LLC, Marick Home Builders, LLC, and Rick Thoennes, Defendants,

Of whom Marick Home Builders, LLC and Rick Thoennes are Appellants.

STIPULATION OF DISMISSAL OF APPEAL (260(b), SCACR)

By and between, Stoneledge at Lake Keowee Owners' Association, Inc. ("Respondents") and Marick Home Builders, LLC, and Rick Thoennes ("Appellants"):

Whereas the Respondent and Appellants have reached an agreement to resolve the Respondents' claims against the Appellants in the underlying lawsuit; and

Whereas the agreement to resolve the Respondents' claims against Appellants necessarily moot the necessity of this appeal;

Now therefore, the Parties agree and request the Court of Appeals to dismiss Appellants'

appeal of the Order of the Honorable R. Lawton McIntosh dated September 21, 2022, denying Appellants' Petition for Post Judgment Settlement, as well as the Order of the Honorable R. Lawton McIntosh dated October 10, 2022, denying the Appellants' Motion to Reconsider the Court's Order Denying the Petition for Post Judgement Settlement, pursuant to Rule 260(b) of the South Carolina Appellate Court Rules.

Respectfully submitted,

s/Robert T. Lyles, Jr.

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January 19, 2024
Beaufort, South Carolina

RECEIVED

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SC Court of Appeals

IN THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM OCONEE COUNTY

Court of Common Pleas

R. Lawton McIntosh, Circuit Court Judge

Civil Action No.: 2009-CP-37-0652

Appellate Case No. 2022-001581

Paul W. Hund, III, Joan W. Davenport, Michael Furnari, Donna Furnari, Jessy B. Grasso, Nancy E. Grasso, Robert P. Hayes, Lucy H. Hayes, Ty Hix, Jennifer D. Hix, Ruth E. Isaac, Michael D. Plourde, Mary Lou Plourde, Carol C. Pope, Steven B. Taylor, Bette J. Taylor, Robert White, Stoneledge at Lake Keowee Owners' Association, Inc., Respondents

v.

IMK Development Co., LLC, Marick Home Builders, LLC, and Rick Thoennes, Defendants,

Of whom Marick Home Builders, LLC and Rick Thoennes are Appellants.

PROOF OF SERVICE

The undersigned, Stacey P. Canaday of Tupper Grimsley Dean & Canaday, LLC, Attorney for Appellants Marick Home Builders, LLC, and Rick Thoennes, hereby avers that on the 19th day of January 2023, a true and accurate copy of this *Stipulation of Dismissal of Appeal* was served via electronic mail using the email addresses listed in the Attorney Information System as follows:

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By: s/ Stacey P. Canaday

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January 19, 2024

Beaufort, South Carolina