

The South Carolina Court of Appeals

Dolphin Point Owners' Association, Inc., Respondent,

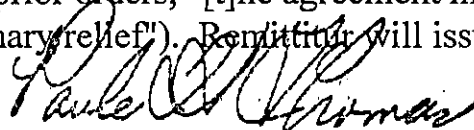
v.

Seabrook Island Property Owners' Association,
Appellant.

Appellate Case No. 2023-001158

ORDER

On January 12, 2024, the parties filed a consent motion to dismiss this appeal and vacate the trial court's orders. According to the motion, the parties "have mutually agreed to a resolution of this matter and have entered into a written settlement agreement memorializing the terms of their agreement." Pursuant to their settlement agreement, the parties filed a consent motion asking this court to (1) dismiss the appeal; (2) order each party to bear its own attorney's fees, expenses, and costs; (3) dismiss with prejudice all of Respondent's causes of action asserted in the lower court; and (4) vacate the orders of the lower court issued on April 28, 2023, and June 21, 2023. After careful consideration, we grant the motion in part. *See* Rule 261(d), SCACR (providing for dismissal of an appeal and vacation of prior orders). The appeal is hereby dismissed; each party shall bear its own attorney's fees, expenses, and costs; and all of Respondent's causes of action asserted in the lower court are dismissed with prejudice. However, we decline to vacate the two prior orders of the lower court at this time because the parties have not set forth the facts that warrant this extraordinary relief. *See id.* (explaining that in order for the appellate court to vacate prior orders, "[t]he agreement must set forth the facts that warrant this extraordinary relief"). Remittitur will issue pursuant to Rule 221(b), SCACR.



FOR THE COURT

Columbia, South Carolina

FILED
Jan 29 2024

cc:

Shawn R. Willis, Esquire

Robert William Whelan, Esquire

George Trenholm Walker, Esquire

Kori Ashton McGraw, Esquire

John Phillips Linton, Jr., Esquire