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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY
COURT OF COMMON PLEAS

Carmen Mullen, Circuit Court Judge

Case No. 2010-CP-07-05946

Robert C. Brandriff and Kristen E. Brandriff,
individually and derivatively on behalf of the Dataw
Island Owners' Association, Inc.,..... Appellants,

v.

Dataw Island Club, Inc.; Bruce "Skip" Adams; Colin
Collins; John Mahoney; Herb Jarvis; Colin McArthur;
Peter Payne; Bob Sanderson; Lee Scher; Bob Albon;
Larry Lance; Jim McCormock; Bob Pogachnick; Gerald
Smith, as successor and Trustee of Deirdre Smith's
Estate; Susan Beekman; Dan Frakes; Gwyn Jordan;
Timothy McGrath; Jack Hamilton; and Dataw Island
Owners Association, as a nominal
Defendant,..... Respondents.

AMENDED NOTICE OF APPEAL

Robert C. Brandriff and Kristen E. Brandriff, individually and derivatively on behalf of the Dataw Island Owners' Association, Inc. ("Appellants"), previously served and filed a timely notice of appeal in the above-captioned action. Thereafter, Appellants received a letter dated July 17, 2013, from the Clerk of the South Carolina Court of Appeals assigning Appellate Case No. 2013-001480 to this appeal. Appellants also received two additional letters dated July 17, 2013, from the Clerk of the South Carolina Court of Appeals requesting that Appellants serve and file an amended notice of appeal with a statement identifying the date Appellants received written notice of the order or judgment from which the appeal is taken, and clearly identifying which attorneys

represent each of the Respondents in this matter. Appellants hereby file this amended notice of appeal pursuant to the instructions in these letters.

In this appeal, Appellants are appealing the Orders of the Honorable Carmen Mullen dated April 3, 2012, and May 23, 2013, in the above-captioned matter. Appellants received written notice of the April 3, 2012 Order on April 3, 2012. Thereafter, Appellants timely filed a motion to alter or amend the April 3, 2012 Order. Appellants received written notice via United States mail of the May 23, 2013 Order denying Appellants' motion to alter or amend on May 30, 2013, and received an e-mail notification from the Court regarding the May 23, 2013 Order on May 23, 2013. The counsel representing each Respondent is identified below.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By:


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Attorneys for Appellants

July 26, 2013

Charleston, South Carolina

[Other Counsel of Record on Following Page]

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Jordan; Timothy McGrath; Jack Hamilton; and Dataw
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CERTIFICATE OF SERVICE

I, the undersigned, of the law offices of Nelson Mullins Riley & Scarborough, LLP, attorneys for Appellants, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings: Amended Notice of Appeal

Counsel Served: M. Dawes Cooke, Jr., Esq.
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John W. Fletcher, Esq.
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Charleston, SC 29402

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Carolyn Blackwell

July 26, 2013
Columbia, South Carolina

Other Counsel of Record:

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Attorneys for the following Respondents: Dataw Island Club, Inc.; Lee Scher; Bob Albon; Larry Lance; Jim McCornock; Bob Pogachnick; Gerald Smith, as successor and Trustee of Dierdre Smith's Estate; Susan Beekman; Dan Frakes; Gwyn Jordan; Timothy McGrath; and Jack Hamilton.

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Attorney for the following Respondents: Bruce "Skip" Adams; Colin Collins; John Mahoney; Herb Jarvis; Colin McArthur; Peter Payne; Bob Sanderson; Lee Scher; Gerald Smith, as successor and Trustee of Dierdre Smith's Estate; and Dataw Island Owners Association, as a nominal Defendant.

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July 26, 2013

Via Hand Delivery

The Honorable Jenny Abbot Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RE: Robert C. Brandriff, et al. v. Dataw Island Club, Inc., et al.
Appellate Case No. 2013-001480

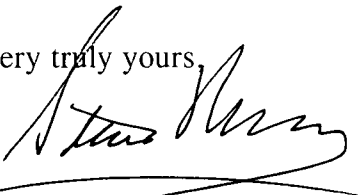
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Dear Ms. Kitchings:

Enclosed please find the original and two copies of an Amended Notice of Appeal for filing in the above-referenced matter. Also enclosed herein are copies of the orders to be challenged on appeal and a certificate of service. We would ask that you file the originals of the Amended Notice of Appeal and return clocked-in copies to us via our courier.

The Amended Notice of Appeal is being filed and served pursuant to instructions from the Clerk of the South Carolina Court of Appeals as set forth in letters dated July 17, 2013. By copy to all counsel of record, we are serving them with a copy of this pleading.

Very truly yours,



Stephen G. Morrison

Enclosures

cc: James H. Elliott, Jr., Esquire
Todd M. Musheff, Esquire
M. Dawes Cooke, Jr., Esquire
John W. Fletcher, Esquire

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July 26, 2013

Hand Delivered

The Honorable Jerri A. Roseneau
Clerk of Court
Beaufort County Courthouse
102 Ribaut Road
Beaufort, SC 29902

RE: Robert C. Brandriff, et al. v. Dataw Island Club, Inc., et al.
Civil Action No. 2010-CP-07-5946
Appellate Case No. 2013-001480

Dear Ms. Roseneau:

Pursuant to SCACR 203(d), we enclose and provide to you for filing a copy of the Amended Notice of Appeal filed in the South Carolina Court of Appeals, on July 26, 2013, in the above referenced matter.

By copy of this letter to the Clerk of the South Carolina Court of Appeals and to counsel of record, we are providing them with a copy of this communication.

Very truly yours,



Robert H. Brunson

Enclosure

cc: The Honorable Jenny Abbot Kitchings, Clerk, SC Court of Appeals - w/o enclosure
James H. Elliott, Jr., Esquire
Todd M. Musheff, Esquire
M. Dawes Cooke, Jr., Esquire
John W. Fletcher, Esquire

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