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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-07-05944

Richard K. Davenport and Mary E. Davenport, Appellants,
v.

Dataw Island Owners' Association, Inc., nominal Defendant; Dataw Island Club, Inc.; Bruce "Skip" Adams; George Beck; Victor Brinkman; Colin Collins; Earl Dietz; Merwin "Mer" Grayson; Dan Hopkins; Herb Jarvis; John Mahoney; Colin McArthur; Peter Payne; John Payne; Bob Sanderson; Lee Scher; Gerald Smith, in his capacity as successor and Trustee of Deirdre Smith's Estate; Bob Spengler; Phil Sutphin; Ray Hoge; Pam Weigand; Jim Smithson; Peter Post; Roger Rittinger; Gabriel Nagy; Bob Albon; Larry Bernard; Harriette Buchanan; Gary Davis; Keith Dixon; Dan Frakes; Jack Hamilton; Jerry Hubbard; Gwen Jordan; Larry Lance; Terry Lurtz; Jim Marks; Jim McCornock; Bob Pogachnick; Bob Tisch; Tom Fischer; Rick Manzari; Susan Beekman; Timothy McGrath; Joe Foutch; Thomas White; Herman Schmit; D. Pierre Cameron, Jr.; and William Bush, Respondents.

AMENDED NOTICE OF APPEAL

Richard K. Davenport and Mary E. Davenport ("Appellants") previously served and filed a timely notice of appeal in the above-captioned action. Thereafter, Appellants received a letter dated July 18, 2013, from the Clerk of the South Carolina Court of Appeals assigning Appellate Case No. 2013-001529 to this appeal. Appellants also received a second letter dated July 18, 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:

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Attorneys for the following Respondents: Dataw Island Club, Inc.; Bob Albon; Larry Bernard; Harriette Buchanan; Gary Davis; Keith Dixon; Dan Frakes; Jack Hamilton; Jerry Hubbard; Gwen Jordan; Larry Lance; Terry Lurtz; Jim Marks; Jim McCornock; Bob Pogachnick; Bob Tisch; Peter Post; Tom Fischer; Lee Scher; Gerald Smith, in his capacity as successor and Trustee of Deirdre Smith's Estate; Rick Manzari; Susan Beekman; Timothy McGrath; Joe Foutch; Thomas White; Herman Schmit; D. Pierre Cameron, Jr.; and William Bush.

Richardson Plowden
James H. Elliott, Jr., Esq.
40 Calhoun Street, Suite 220
Charleston, SC 29401
(843) 805-6550

Attorney for the following Respondents: Dataw Island Owners' Association, Inc., nominal Defendant; Bruce "Skip" Adams; George Beck; Victor Brinkman; Colin Collins; Earl Dietz; Merwin "Mer" Grayson; Dan Hopkins; Herb Jarvis; John Mahoney; Colin McArthur; Peter Payne; John Payne; Bob Sanderson; Lee Scher; Gerald Smith, in his capacity as successor and Trustee of Deirdre Smith's Estate; Bob Spengler; Phil Sutphin; Ray Hoge; Pam Weigand; Jim Smithson; Peter Post; Roger Rittinger; and Gabriel Nagy.

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Bernard; Harriette Buchanan; Gary Davis; Keith Dixon;
Dan Frakes; Jack Hamilton; Jerry Hubbard; Gwen
Jordan; Larry Lance; Terry Lurtz; Jim Marks; Jim
McCornock; Bob Pogachnick; Bob Tisch; Tom Fischer;
Rick Manzari; Susan Beekman; Timothy McGrath; Joe
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Respondents.

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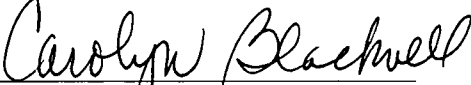
CERTIFICATE OF SERVICE

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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Carolyn Blackwell
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July 26, 2013
Columbia, South Carolina

Nelson Mullins

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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

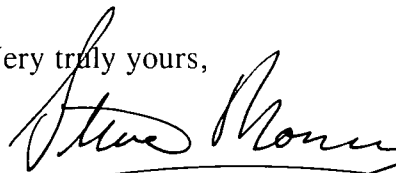
RE: Richard K. Davenport, et al. v. Dataw Island Club, Inc., et al.
Appellate Case No. 2013-001529

Dear Ms. Kitchings:

Enclosed please find the original and two copies of an Amended Notice of Appeal in regard to 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 a letter dated July 18, 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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