

**THOMPSON  
& HENRY, P.A.**

**ATTORNEYS AT LAW**

1300 SECOND AVENUE, THIRD FLOOR  
TELEPHONE

**JOHN P. HENRY**  
PHenry@THOMPSONLAW.COM

POST OFFICE BOX 1740  
**CONWAY, SOUTH CAROLINA 29528**

(843) 248-5741

FAX

(843) 248-6396

**RECEIVED**

July 31, 2013

AUG 05 2013

The Honorable Daniel E. Shearouse  
Clerk of Court  
South Carolina Supreme Court  
Post Office Box 11330  
Columbia, SC 29211

**S.C. SUPREME COURT**

RE: *Magnolia North POA, Inc. v. Heritage Communities, Inc., heritage  
Magnolia North, Inc., and Buildstar*  
Civil Action No.: 2003-CP-26-3202  
SC Court of Appeals Case No.: 2009147806  
SC Supreme Court Case No.: 2012-212048

Dear Mr. Shearouse:

I am in receipt of a copy of a letter from Mr. C. Mitchell Brown, attorney for the Appellants in the above captioned action. Under cover of his letter, Mr. Brown forwards to you pursuant to Rule 208(B)(7) of the South Carolina Appellant Court Rules two (2) articles designated as "pertinent and significant authorities". The authorities are sent in support of the grounds for certiorari raised in Petitioners' Petition for Writ of Certiorari regarding amalgamation on pp. 5-10 and the Petitioners' Reply in Support of Certiorari at pp. 2-5.

In the spirit of full disclosure, I would point out to the Court that the first article is written by Mr. Andrew Cole, Esquire. Mr. Cole represented the same insurance carriers and closely related principals that Mr. Brown represents in re the Writ of Certiorari to which he sends these articles in support of. In Mr. Cole's litigation, the Court also found that these principals were amalgamated.

The second article sent to the Court by Mr. Brown is written by Phillips L. McWilliams. The publication date of this article is stated as the "Summer 2013". Again, in the spirit of full disclosure, Mr. Phillips L. McWilliams is a summer associate at Nelson Mullins and according to his website still continues in that capacity at the writing of this letter.

On behalf of the Respondent, Magnolia North Property Owners' Association, Inc.,

*The Honorable Daniel E. Shearouse*

*July 31, 2013*

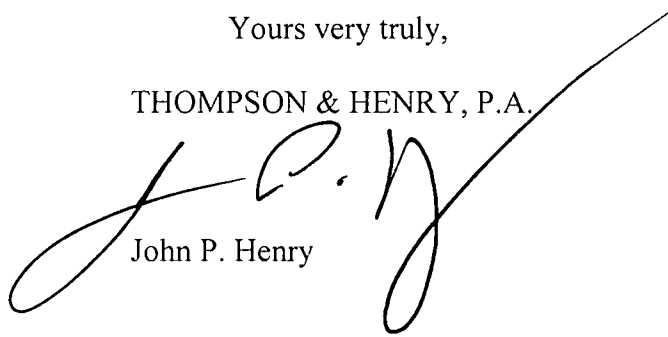
*Page 2*

it is the Respondents position that these articles constitute Amicus Briefs and should not be considered. In addition, these articles do not constitute "pertinent and significant authorities" under Rule 208(B)(7) SCACR. "Amalgamation" is firmly imbedded in South Carolina law and is a totally different theory than piercing the corporate veil. Amalgamation is applied when two or more corporations combine to injure the Plaintiff, and it is impossible to determine which corporation performed the wrongful act(s).

With kindest personal regards, I am

Yours very truly,

THOMPSON & HENRY, P.A.

A handwritten signature in black ink, appearing to read "J.P.H.", with a long, sweeping flourish extending to the right.

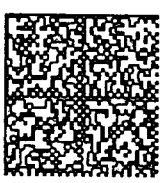
John P. Henry


JPH/sbh

cc: Steven L. Brown, Esquire  
C. Mitchell Brown, Esquire

THOMPSON & HENRY, P.A.  
ATTORNEYS AT LAW  
POST OFFICE BOX 1740  
CONWAY, SOUTH CAROLINA 29528

The Honorable Daniel E. Shearouse  
Clerk of Court  
South Carolina Supreme Court  
Post Office Box 11330  
Columbia, SC 29211



UNITED STATES POSTAGE  
 **\$ 00.46<sup>0</sup>**  
02 1M AUG02 2013  
0004273930  
MAILED FROM ZIP CODE 29526  
PITNEY BOWES

29211139030

