

# The South Carolina Court of Appeals

Deerfield Plantation Phase II B Property Owners  
Association, Appellant,

v.

South Carolina Department of Health and Environmental  
Control and Deertrack Golf, Inc., Respondents,

v.

Bill Clark Homes of Myrtle Beach, LLC, Respondents

Appellate Case No. 2009-135686

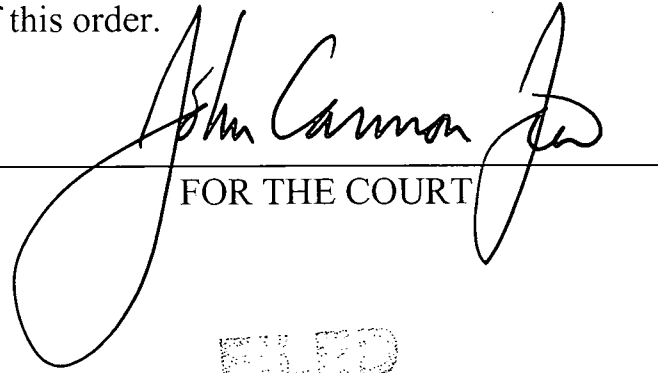
---

## ORDER

---

Appellant has filed a petition for rehearing from this court's May 17, 2013 order, which dismissed this appeal as moot and because the parties failed to follow this court's directive to "proceed expeditiously on remand." We decline to address the petition for rehearing because it appears we failed to adequately explain our order, and particularly we failed to explain that the basis for the finding of mootness is that the May 18, 2012 and March 5, 2013 DHEC letters, and the fact that Respondent Deertrack Golf apparently did not reply to either letter, leave Respondent Deertrack Golf without a permit. Pursuant to the March 5, 2013 letter, DHEC considers the application withdrawn and there is no longer a permit; therefore, there is nothing for this court to review. The appeal is moot. As we intended our order, Respondent Deertrack Golf is the aggrieved party because DHEC has effectively revoked its permit. Under the terms of our order, Appellant need not be concerned that Respondent Deertrack Golf would "utilize its existing authorization" because as the record appears to this court, it has none. This court never intended for its order to foreclose the review of any existing permit. If we have misinterpreted the record, or misapprehended the situation, any party

believing so must file a petition for rehearing. The time for filing a petition for rehearing will run from the date of this order.

  
FOR THE COURT

Columbia, South Carolina

FILED

SF 8/14/13

cc:

Carlisle Roberts, Jr.  
Stephen Peterson Groves, Sr.  
Davis Arjuna Whitfield-Cargile  
Stanley E. Barnett  
Mary Duncan Shahid  
Amy Elizabeth Armstrong  
Nathan Michael Haber