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Aug 09 2024

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Special Referee J.C. Nicholson, Jr.

Civil Action No.: 2018-CP-10-00330

Fenwick Commons Homeowners Association, Inc.,

Plaintiff,

-vs-

Portrait Homes - South Carolina, LLC; Portrait Homes-Fenwick Commons, LLC; D.R. Horton, Inc.; Samuel Glover d/b/a Glover's Brickworks; Glover's Brickworks, Inc.; JJA Construction, Inc. d/b/a JJA Framing; JJA Construction, Inc. d/b/a JJA Framing Company; Jose Castillo d/b/a JJA Framing; Jose Castillo d/b/a JJA Framing Company; International Construction Services, Inc.; International Construction Services, Inc., d/b/a International Construction; United Siding Specialists, Inc.; Old Charleston Builders, LLC; Heritage Construction Consultants, Inc.; Robert H. Yarnall d/b/a Heritage Construction Consultants, Inc.; PNL Construction, LLC; Clear Choice Group, LLC; Built Right Construction, LLC; Alfonso Villavicencio d/b/a Alfonso's Painting; Alfonso Painting & Drywall, Inc.; Diria Tawi Painting, Inc.; Juan Luis Sanchez d/b/a Sanchez Brothers Painting; Sanchez Brothers Painting, Inc.; Windward Shutters, LLC, d/b/a Windward Hurricane Shutters, LLC; 84 Lumber Company; **Builders Firstsource - Southeast Group, LLC**; Americo Roofing Concepts, f/k/a Americo Roofing Concepts, f/k/a Americo Roofing Concepts Enterprises, Inc.; Americo Roofing Concepts, Inc. f/k/a American Roofing Concepts; Archer Exteriors, Inc.; and Professional Exteriors, LLC; Luciano Dias Gomes d/b/a Prestige Home Construction; Geraldo Da Cunha; Pablo Rojas Franco; Charles Gunter; Henry A. Palmer; Julio C. Crespo; Brasilican Contracting, LLC; Charles Bowser d/b/a CWB Services; Levi Arruda; Jose Geraldo Dos Reis; Leandro De Paulo Araujo; Helio A. De Rezende; Vinivius Araujo De Freitas a/k/a Vinicius Araujo; Robert M. Hughes d/b/a Robert's Vinyl Siding; Lucas Rodrigues Barcelos a/k/a Lucas Rodriguez Barcelos; Karla Bazerra; Rodrigo B. Vasconcelos; Rondinely G. Da Silva; Marcio Nunes Da Silva; W&M Vinyl Siding, LLC; Bar Contractors, Inc.; William Construction Services, LLC; and Donald Lee d/b/a Vinyl Siding Specialists,

Defendants.

Fenwick Commons Homeowners Association, Inc., Plaintiff and Respondent,


-vs-

Builders FirstSource – Southeast Group, LLC,
Defendant and Appellant

NOTICE OF APPEAL

Builders FirstSource-Southeast Group, LLC appeals the August 5, 2024 Order of the Honorable J.C. Nicholson, Jr., retired circuit court judge, serving as court appointed Special Referee, granting summary judgment against Plaintiff Fenwick Commons Homeowners Association, Inc. Builders FirstSource-Southeast Group, LLC also appeals the Order of the Honorable J.C. Nicholson, Jr., dated August 5, 2024 Form 4 Order denying the Motion to Reconsider filed August 1, 2024.

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Beaufort, South Carolina

August 9, 2024

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Plaintiff,

-vs-

Portrait Homes - South Carolina, LLC; Portrait Homes-Fenwick Commons, LLC; D.R. Horton, Inc.; Samuel Glover d/b/a Glover's Brickworks; Glover's Brickworks, Inc.; JJA Construction, Inc. d/b/a JJA Framing; JJA Construction, Inc. d/b/a JJA Framing Company; Jose Castillo d/b/a JJA Framing; Jose Castillo d/b/a JJA Framing Company; International Construction Services, Inc.; International Construction Services, Inc., d/b/a International Construction; United Siding Specialists, Inc.; Old Charleston Builders, LLC; Heritage Construction Consultants, Inc.; Robert H. Yarnall d/b/a Heritage Construction Consultants, Inc.; PNL Construction, LLC; Clear Choice Group, LLC; Built Right Construction, LLC; Alfonso Villavicencio d/b/a Alfonso's Painting; Alfonso Painting & Drywall, Inc.; Diria Tawi Painting, Inc.; Juan Luis Sanchez d/b/a Sanchez Brothers Painting; Sanchez Brothers Painting, Inc.; Windward Shutters, LLC, d/b/a Windward Hurricane Shutters, LLC; 84 Lumber Company; **Builders Firstsource - Southeast Group, LLC**; Americo Roofing Concepts, f/k/a Americo Roofing Concepts, f/k/a Americo Roofing Concepts Enterprises, Inc.; Americo Roofing Concepts, Inc. f/k/a American Roofing Concepts; Archer Exteriors, Inc.; and Professional Exteriors, LLC; Luciano Dias Gomes d/b/a Prestige Home Construction; Geraldo Da Cunha; Pablo Rojas Franco; Charles Gunter; Henry A. Palmer; Julio C. Crespo; Brasilican Contracting, LLC; Charles Bowser d/b/a CWB Services; Levi Arruda; Jose Geraldo Dos Reis; Leandro De Paulo Araujo; Helio A. De Rezende; Vinivius Araujo De Freitas a/k/a Vinicius Araujo; Robert M. Hughes d/b/a Robert's Vinyl Siding; Lucas Rodrigues Barcelos a/k/a Lucas Rodriguez Barcelos; Karla Bazerra; Rodrigo B. Vasconcelos; Rondinely G. Da Silva; Marcio Nunes Da Silva; W&M Vinyl Siding, LLC; Bar Contractors, Inc.; William Construction Services, LLC; and Donald Lee d/b/a Vinyl Siding Specialists,

Defendants.

Fenwick Commons Homeowners Association, Inc., Plaintiff and Respondent,

-vs-

Builders FirstSource – Southeast Group, LLC,
Defendant and Appellant


CERTIFICATE OF SERVICE AND FILING

The undersigned does hereby certify that on August 9, 2024 a copy of the Notice of Appeal was served by email on the below named counsel of record for the Plaintiff and Respondent by copy of this email and filed by electronic mail with the Clerk of Court for the South Carolina Court of Appeals in this proceeding.

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SC Court of Appeals

August 9, 2024

Honorable Jenny A. Kitchings
South Carolina Court of Appeals
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Re: Fenwick Commons Homeowners Association, Inc. vs. Portrait Homes-
South Carolina, Builders FirstSource Southeast Group, LLC, et al
Civil Action No.: 2018-CP-10-00330

Dear Ms. Kitching:

Please find enclosed herewith for filing in connection with the above-captioned case, the original and copy of the Notice of Appeal and Certificate of Service and Filing. I have also enclosed a copy of the August 5, 2024, Orders which are to be challenged on appeal, and check 84709 for the filing fee of \$250.00. I would appreciate you filing the same and returning a clocked copy to me in the enclosed self-addressed, stamped envelope provided for your convenience.

With kindest regards, I am

Yours truly,

HOWELL, GIBSON AND HUGHES, P.A.



William H. Cox, III

WHC/bw
Enclosures