

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM GEORGETOWN COUNTY  
Court of Common Pleas

Joe M. Crosby, Master-in-Equity

Appellate Case No. 2024-001817

Case No. 2020-CP-22-0075

RECEIVED

Jan 16 2025

S.C. SUPREME COURT

MAC Coastal Properties, Inc., ..... Respondent,

v.

Shoestring Retreat, LLC, ..... Petitioner.

**JOINT REQUEST TO DISMISS PETITION AND VACATE LOWER COURT OPINIONS**

Petitioner Shoestring Retreat, LLC and Respondent MAC Coastal Properties, Inc., jointly request that this Court exercise its authority pursuant to Rules 260(b) and 261(d), SCACR, to (1) dismiss Shoestring’s pending petition for writ of certiorari (filed December 2, 2024); and (2) vacate the unpublished opinion of the Court of Appeals (No. 2024-UP-285, filed July 31, 2024), and the Final Order entered by the Master-in-Equity in this matter. In support of this motion, the Parties state as follows:

1. By written settlement agreement dated January 15, 2025, attached hereto as Exhibit A, the Parties have settled all claims between them and have resolved all issues regarding the enforcement of the private deed restrictions which form the underlying basis of this action.

2. The Parties settled their claims in part due to the uncertainty as to how this Court would rule on the Petition for Writ of Certiorari and to avoid the burden and expense of further litigation.

3. Full realization of the parties' intentions under the settlement agreement is contingent on this Court: (1) dismissing Shoestring's pending petition for writ of certiorari, filed on December 2, 2024; (2) vacating the unpublished opinion of the Court of Appeals, issued on July 31, 2024; and (3) vacating the Final Order entered by the Master-in-Equity on March 31, 2022 (collectively, the "lower court orders").

4. The following facts justify the extraordinary relief of vacating the lower court orders:

- a. Vacating the lower court orders will allow the Parties to co-exist as adjacent property owners pursuant to the terms and conditions of the settlement agreement. The Parties respectfully submit that achieving such peaceful coexistence is, by itself, sufficient grounds for vacating the lower court orders.
- b. Vacating the lower court orders will prevent further conflict and potential litigation, including possible future enforcement actions by other nearby landowners. If the lower court orders are not vacated, there is serious risk that other homeowners, not parties to this action, may attempt to enforce the restrictions contained in the subject deeds, exposing the Parties and their successors-in-interest to multiple lawsuits.
- c. In Shoestring's view, the Court of Appeals' opinion creates bad public policy, in that it contradicts controlling precedent of this Court, including *Heffner v. Litchfield Golf Co.*, 258 S.C. 447, 189 S.E.2d 3 (1972) and *Taylor v. Lindsey*, 332 S.C. 1, 498 S.E.2d 862 (1998).
- d. Shoestring believes that vacating the lower court orders will eliminate the uncertainty of who has what enforcement rights and the arbitrary enforcement of restrictions, whereby some lot owners are allowed to build in the "Dunes Restricted" Area and others are not.
- e. The Court of Appeals opinion was unpublished, so vacating it does not change the precedential value of that opinion or impact the public interest.

WHEREFORE, the Parties request the Court dismiss the Petition for Writ of Certiorari, vacate the Court of Appeals Unpublished Opinion, and vacate the Final Order of the Master-in-Equity.

TOBIAS G. WARD, JR., PA

MAYNARD NEXSEN PC

*s/Tobias G. Ward, Jr.*

*s/Kirsten Small*

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January 16, 2025  
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