

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas
Honorable Larry B. Hyman, Circuit Court Judge

Case No. 2012-CP-26-6987

Appellate Case No. 2013-000971

Helicopter Solutions, Inc.
d/b/a Helicopter Adventures Respondent,

v.

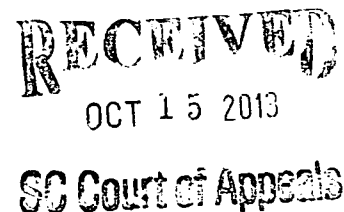
Richard Hinde and Horry County Zoning Administrator, Defendants,

of whom Richard Hinde is Appellant.

**RESPONDENT'S RETURN TO APPELLANT'S REPLY
TO RESPONDENT'S RETURN ON MATTERS TO BE INCLUDED IN THE
RESPONDENT'S AMENDED DESIGNATION OF MATTER**

Respondent Helicopter Solutions, Inc. d/b/a Helicopter Adventures, by and through its undersigned counsel, files this response for the purpose of clarifying that the transcript of the hearing before the Board of Zoning Appeals was part of the Certified Record filed with the Horry County Clerk of Court on October 18, 2012 and is, therefore, properly a part of the record to be designated by Respondent on appeal.

On October 18, 2012, a box containing transcript of the September 10, 2012 hearing before the Zoning Board of Appeals, together with all exhibits thereto, was transmitted to the



Horry County Clerk of Court. That box is located in the Horry County Clerk of Court's Office. The contents of the box include "the complete record of the Board" according to the Transmittal of Certified Record on Appeal and Affidavit signed by Alicia Shelley, filed October 18, 2012 at 10:48 a.m. in the underlying civil action, Helicopter Adventures, Helicopter Solutions, Inc. v. Richard Hinde, Zoning Administrator Horry County, 2012-CP-26-06987. (See Exhibit A to Affidavit of Sandra G. Thomas).

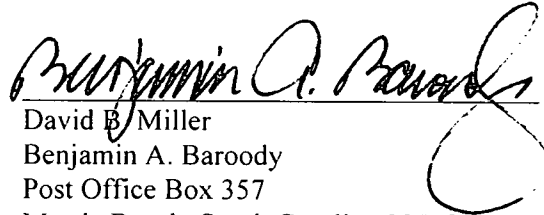
The original, sealed transcript of the September 10, 2012 hearing is contained inside the box she delivered. (See Thomas Affidavit). A photocopy of the front of the original, sealed transcript was filed by the Horry County Clerk of Court in the underlying civil action on October 18, 2012 at 10:48 a.m. (See Thomas Affidavit, Exhibit B).

As part of the Certified Record on appeal to the Circuit Court, the contents of the Certified Record were properly before the Court upon filing on October 18, 2012 and were cited to by counsel for Respondent throughout the hearing before the Circuit Court without objection.

Counsel for Appellant has represented to the undersigned that the sole purpose of Appellant's Motion for a More Definite Statement is to reduce the number of pages of the Record on Appeal in order to limit it to one volume, presumably to limit the costs associated with a larger Record on Appeal. Respondent has conceded to limiting the Record substantially as is set forth in Respondent's Return. However, the transcript of the hearing before the Board of Zoning Appeals, together with the marked exhibits thereto (Hinde's definitions of the word "depot") are absolutely essential to Respondent's position on this appeal.

For the reasons set forth herein, Respondent respectfully requests this Court Deny in part and Grant in Part both contested motions pending before this Court by allowing the amendment of the Designation set forth in Respondent's pending Motion, inclusive the transcript before the Board of Zoning Appeals and a limited number of exhibits thereto.

Respectfully submitted,



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October 9, 2013

STATE OF SOUTH CAROLINA
In the Court of Appeals

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Honorable Larry B. Hyman, Circuit Court Judge

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Helicopter Solutions, Inc.
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v.

Richard Hinde and Horry County Zoning Administrator, Defendants,

of whom Richard Hinde is Appellant.

PROOF OF SERVICE

The undersigned certifies that he is employed with the law firm of Bellamy, Rutenberg, Copeland, Epps, Gravely & Bowers, P.A., attorneys for the Respondent, Helicopter Solutions, Inc. d/b/a Helicopter Adventures, that he has mailed a copy of the Respondent's Return to Appellant's Reply to Respondent's Return on Matters to be Included in the Respondent's Amended Designation of Matter and Proof of Service to Counsel listed below this 9th day of October, 2013, with proper postage attached thereto:

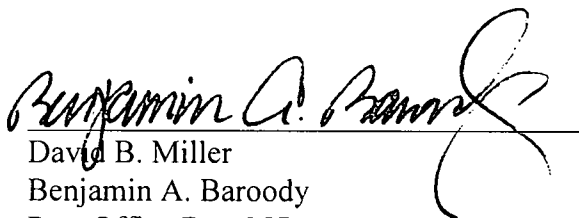
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SC Court of Appeals

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— and —

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Email: erbrittain@myrlaw.com
- Attorney for Defendant Horry County Zoning Administrator.

Respectfully submitted,


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Attorneys for the Respondent

Myrtle Beach, South Carolina

October 9
September, 2013

**BELLAMY, RUTENBERG, COPELAND,
EPPS, GRAVELY & BOWERS, P.A.**

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October 9, 2013

VIA CERTIFIED MAIL - 7012 1010 0001 0834 4202

RETURN RECEIPT REQUESTED

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29211

Re: Helicopter Solutions, Inc. d/b/a Helicopter Adventures v Richard Hinde and Horry
County Zoning Administrator
C/A No. 2012-CP-26-06987
Appellate Case No. 2013-000971
Our File No. 27271.86549.18

Dear Ms. Kitchings:

Enclosed for filing is one (1) unbound original and six (6) copies of *Respondent's Return to Appellant's Reply to Respondent's Return on Matters to be Included in the Respondent's Amended Designation of Matter* in the above referenced appeal.

I have included an additional copy of the Proof of Service and would appreciate you returning a clocked copy to me in the enclosed self-addressed, stamped envelope I have provided for your convenience.

With kindest personal regards, I remain

Yours very truly,

BELLAMY, RUTENBERG, COPELAND,
EPPS, GRAVELY & BOWERS, P.A.


Benjamin A. Baroody

BAB/dg
Enclosures as stated
cc: Client
Kenneth R. Moss, Jr., Esquire
Emma Ruth Brittain, Esquire

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OCT 15 2013
SC Court of Appeals