

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

10005

APPEAL FROM GREENVILLE COUNTY  
Court of Common Pleas

The Honorable Clifton Newman, Circuit Court Judge

Case No.: 2011-CP-23-6376

Kevin McCarthy and Courtney E. McCarthy, ..... Appellants,

v.

Keowee Falls Investment Group, LLC, The Cliffs Communities, LLC d/b/a The Cliffs at  
Keowee Falls South, Cliffs Real Estate, Inc., The Cliffs Golf and Country Club, Inc. and S&ME,

Of whom

S&ME, ..... Respondent.

**MOTION TO AMEND NOTICE OF APPEAL**

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, the undersigned attorney, counsel for Appellants, files this motion to amend its Notice of Appeal.

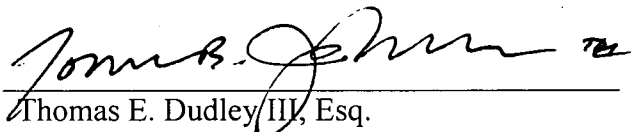
On or about March 22, 2013 Plaintiffs / Appellants Kevin McCarthy and Courtney E. McCarthy ("Appellants") filed a Motion to Amend seeking to amend its complaint and assert additional causes of action against Defendants Keowee Falls Investment Group, LLC, The Cliffs Communities, LLC, and S&ME. On or about July 22, 2013, the Court file separate Orders denying Appellants' Motion to Amend; one Order as to Defendants Keowee Falls Investment Group, LLC and The Cliffs Communities, LLC and one Order as to Defendant / Respondent S&ME ("Respondent").

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CLIFFS COMMUNITIES

With its original Notice of Appeal, Appellant erroneously included the July 22, 2013 Order denying Appellants' Motion to Amend as to Defendants Keowee Falls Investment Group, LLC and The Cliffs Communities, LLC instead of the July 22, 2013 Order denying Appellants' Motion to Amend as to Respondent. A copy of the proper Order, the July 22, 2013 Order denying Appellants' Motion to Amend as to Respondent, is attached hereto as "Exhibit A". Accordingly, Counsel for the Appellants hereby moves for its Notice of Appeal to be amended to substitute the proper Order denying Appellants' Motion to Amend for the erroneous order.



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Thomas E. Dudley III, Esq.  
Townes B. Johnson III, Esq.  
KENISON, DUDLEY & CRAWFORD, LLC  
704 E. McBee Avenue  
Greenville, South Carolina 29601  
PH: (864) 242-4899  
FAX: (864) 242-4844

Other Counsel of Record:  
Stephanie H. Burton, Esq.  
Gibbes Burton, LLC  
308 East Saint John Street  
Spartanburg, SC 29302  
Attorney for Defendant S&ME, Inc.

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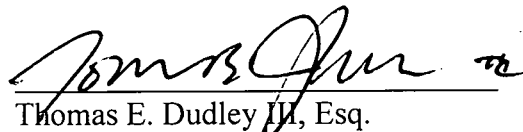
Keowee Falls Investment Group, LLC, The Cliffs Communities, LLC d/b/a The Cliffs at  
Keowee Falls South, Cliffs Real Estate, Inc., The Cliffs Golf and Country Club, Inc. and S&ME,

Of whom

S&ME, ..... Respondent.

**PROOF OF SERVICE**

Comes now Townes B. Johnson III, and certifies that a copy of Appellants' Motion to Amend Notice of Appeal was served on the opposing party on this 3<sup>rd</sup> day of October, 2013, via email and by placing the same in the U.S. Mail with sufficient postage affixed to Respondent's Counsel of Record, Stephanie H. Burton, Esq., at the following address: 308 East Saint John Street, Spartanburg, SC 29302 and Elizabeth H. McMillan at the following address: P.O. Box 2980, Greenville, SC 29602.



Thomas E. Dudley III, Esq.  
Townes B. Johnson III, Esq.  
Kenison, Dudley & Crawford, LLC  
704 East McBee Avenue  
Greenville, SC 29601  
Phone (864) 242-4899  
Attorneys for the Appellant