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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Court of Common Pleas

Honorable David P. Caraker, Jr., Circuit Court Judge

Appellate Case No. 2025-000066

Emmanuel Stikas, Trustee of the Stikas Revocable Living Trust, dated February 1, 2023, d/b/a The Village Shops; Donald W. Reid and Katheryn W. Reid, husband and wife; Elizabeth Gattshall Hawkins Martin; and Tall House Farm, L.P.,.....Appellants,

v.

Georgetown County; David E. Tanner; RCB Land Holdings, LLC; and Magic Oaks, LLC,Respondents,

AND

Magic Oaks, LLC, Third Party Plaintiff,

v.

Keep It Green, Inc., Third Party Defendant.

MOTION TO EXPEDITE

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s/ Zachary J. Crowl

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Myrtle Beach, South Carolina
August 25, 2025

Respondents Magic Oaks, LLC (“Magic Oaks”) and RCB Land Holdings, LLC (“RCB”), file this Motion to Expedite, pursuant to Rule 240, SCACR, to respectfully request that this Honorable Court expedite consideration of this appeal to prevent significant harm to Magic Oaks.

This Motion seeks to expedite the appeal of an interlocutory order governed by an abuse of discretion standard. The grounds for Respondents’ Motion are that Respondent Magic Oaks will suffer substantial harm if this case is delayed and is not resolved in an expedited manner. Respondents seek expedited resolution so that this matter may be returned to the Circuit Court as soon as possible to proceed with litigation. All Final Briefs have been filed in this appeal and Respondents’ Final Brief fully sets forth the facts, issues, and procedural history of this matter.

As more fully set forth in Respondents’ Final Brief, this case involves the rezoning of 8.3 acres of property in Pawleys Island, South Carolina. Magic Oaks is the developer of the property. The property at issue in this case is planned to be a residential neighborhood consisting of only 27 single family lots. Appellants’ lawsuit challenges validly passed ordinances of Georgetown County for the rezoning and residential development of the property. Appellants’ action does not allege any bad acts on behalf of Magic Oaks or RCB, but it does have the effect of blocking Magic Oaks from developing its own property. While Appellants have not filed for injunctive relief or a temporary restraining order to stop development of the property, Appellants’ action challenges the very approvals necessary for the development of this neighborhood.

As part of the purchase of the property at issue, Magic Oaks obtained a loan from a third party secured by the property. The Mortgage and Security Agreement evidencing this loan is filed of public record. Magic Oaks must develop the property to comply with its obligations of the Mortgage and Security Agreement. Additionally, when Magic Oaks purchased the property from Respondent David Tanner, Magic Oaks entered into an agreement with Tanner to sell one of the

developed lots on the property to him. The delayed resolution of this matter places Magic Oaks in danger of defaulting on these contractual obligations.

This lawsuit, along with all of Appellants' actions since filing this lawsuit, delay development and effect an injunction without posting a bond to protect Magic Oaks. Despite the fact that Magic Oaks has gone through the proper local, state, and federal administrative channels and procedures to secure the necessary approvals to build this neighborhood, Magic Oaks will be unable to complete the project and sell the developed lots as long as this lawsuit remains active. Magic Oaks must develop the property and sell the residential lots to comply with its obligations of the Mortgage and Security Agreement and its agreement with Respondent Tanner. Further delay will prevent final completion of this project resulting in default of security obligations and substantial interest costs. If this matter is not expedited and returned to the Circuit Court to be resolved as quickly as possible, Magic Oaks will suffer significant harm.

CONCLUSION

Based upon the foregoing, Respondents respectfully request that this Honorable Court expedite the consideration of this appeal so that Magic Oaks will not suffer the substantial harm that will result from delay in the final resolution of this action.

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