

McCULLOUGH • KHAN, LLC
ATTORNEYS AT LAW

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October 23, 2013

VIA U.S. MAIL

Jenny Abbott Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: Emerald Investments v. Ashley River Properties
Appellate Case No. 2013-002109
CA No.: 2009-CP-10-0553

Dear Ms. Kitchings:

I hope you are doing well. I received the letter from the Court of Appeals dated October 21, 2013, acknowledging receipt of Emerald Investments, LLC's Notice of Appeal in the above matter. I appreciate your office processing our appeal.

I wanted to bring to your attention something that caught my attention in the letter. The case caption reads as follows: Emerald Investments v. Ashley River Properties. However, I believe the case caption should read: Emerald Investments, LLC v. Ashley River Properties II, LLC and Kriti Ripley, LLC. In support, I have enclosed the Notice of Appeal we filed as well as the first page of the circuit court order we are appealing.

Please let me know if you have any questions regarding the above, and I will be happy to help anyway that I can.

Sincerely,

McCULLOUGH KHAN, LLC



Ross A. Appel

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RAA/etp
Enclosures – as stated above

SC Court of Appeals

Cc: William C. Cleveland, Esq. (Attorney for Ashley River Properties, II, LLC and Kriti Ripley, LLC)

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Deadra L. Jefferson, Circuit Court Judge

Case No. 2009-CP-10-0553

Emerald Investments, LLC,

Appellant,

v.

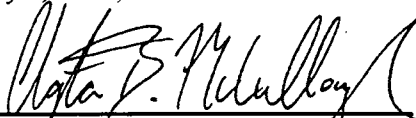
Ashley River Properties II,
LLC; and Kriti Ripley, LLC,

Respondents.

NOTICE OF APPEAL

Emerald Investments, LLC appeals the order of the Honorable Deadra L. Jefferson dated April 26, 2013. Appellant timely filed and served on all counsel of record a motion to Alter or Amend Judgment pursuant to Rule 59(e) on May 9, 2013, and received written notice of entry of the order denying said motion on August 9, 2013.

September 3, 2013


Clayton B. McCullough
68 1/2 Queen St.
Charleston, South Carolina 29401
(843) 937-0400
Attorney for Appellant

Other Counsel of Record:
William C. Cleveland
P.O. Box 999
Charleston, South Carolina 29402
Attorney for Respondents
(843) 722-3400

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SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)
)
 EMERALD INVESTMENTS, LLC,)
)
 Plaintiff,)
)
 v.)
)
 ASHLEY RIVER PROPERTIES II, LLC;)
 and KRITI RIPLEY, LLC,)
)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 FOR THE NINTH JUDICIAL CIRCUIT
 CASE NO. 09-CP-10-0553

ORDER

BY _____
 JULIE J. ARMSTRONG
 CLERK OF COURT
 2013 APR 26 PM 2:48
FILED

Presiding Judge: Hon. Deadra L. Jefferson
 Date of Trial: January 22-23, 2013
 Court Reporter: Joyce Rueger
 Plaintiff's counsel: Clayton B. McCullough, Esq.
 Defendant's counsel: William C. Cleveland, Esq.

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PROCEDURAL BACKGROUND

SC Court of Appeals

This matter arises out of a lawsuit filed on January 30, 2009 by Plaintiff Emerald Investments, LLC ("Emerald") against Defendants Ashley River Properties II, LLC ("ARP-II") and Kriti Ripley, LLC ("Kriti"). Plaintiff's Complaint filed January 30, 2009, contains causes of action for (1) judicial dissolution of ARP-II pursuant to Section 33-44-801(4)(b) and (e) of South Carolina's Uniform Limited Liability Company Act ("the LLC Act") and (2) a declaratory judgment that Emerald owns a 70% membership interest in ARP-II.

This matter came before the Court for a non-jury trial on the merits on the above dates. The Plaintiff was present and represented by Clay McCullough, Esq. The Defendant was present and represented by William Cleveland, Esq. At trial, Plaintiff presented three witnesses including Thomas Lussier, Stuart Longman, and Davidson Williams. The Defendant did not call

10/14
 [Handwritten signature]