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Jan 22 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals
Appellate Case No.: 2026-_____

APPEAL FROM HORRY COUNTY
Court of Common Pleas

The Honorable B. Alex Hyman, Circuit Court Judge

Case No.: 2024-CP-26-08031

Michael Smith, Cynthia Vanaman-Setzer, Clarence E. Frazier (incorrectly identified as Frazer in the lower court pleadings), Richard J. Owen, and Erika Farthing Plaintiffs

Of Whom,

Michael Smith, Cynthia Vanaman-Setzer, Clarence E. Frazier are the Appellants

vs.

The City of Myrtle Beach South Carolina, and
GD CP Properties, LLC Respondents

NOTICE OF APPEAL

John M. Leiter (SC Bar #3187)
Law Offices of John M. Leiter, PA
405 79th Ave., North, Suite B
Myrtle Beach, SC 29572
(843) 449-1451
Attorney for Appellant

January 16, 2026

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NOTICE OF APPEAL

Appellants Michael Smith, Cynthia Vanaman-Setzer Clarence E. Frazier (incorrectly identified as Frazer in the lower court pleadings), and appeal the Order Granting Respondents' Motion to Dismiss, entered by the Honorable B. Alex Hyman, Fifteenth Circuit Court Resident Judge, electronically filed and served on October 7, 2025. Appellants timely filed a Motion for Reconsideration. Judge Hyman electronically signed, filed and served a Form 4 Order denying the Appellants' Motion for Reconsideration on December 19, 2025. Copies of the two orders are attached to this Notice as Exhibits A and B, respectively.



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Attorney for Appellants

January 16, 2026

Other Counsel of Record

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the lower court pleadings), Richard J. Owen, and
Erika Farthing Plaintiffs

Of Whom,

Michael Smith, Cynthia Vanaman-Setzer,
Clarence E. Frazier are the Appellants

vs.

The City of Myrtle Beach South Carolina, and
GD CP Properties, LLC Respondents

PROOF OF SERVICE

John M. Leiter (SC Bar #3187)
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PROOF OF SERVICE

I certify that I have served the **Notice of Appeal** by depositing a copy of it in the U.S. Mail on January 16, 2026, addressed to the attorneys of record:

Douglas M. Zayicek, Esquire
Bellamy, Rutenberg, Copeland,
Epps, Graveley & Bowers, P.A.
P. O. Box 357
Myrtle Beach, SC 29578-0357
Counsel for The City of Myrtle Beach

and

Cheryl D. Shoun, Esquire
Maynard Nexsen
204 King Street, Suite 400
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LAW OFFICES OF

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January 16, 2026

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

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SC Court of Appeals

RE: Michael Smith, Cynthia Vanaman-Setzer, Clarence E. Frazer (sic), Richard J. Owen, and Erika K. Farthing, of whom

Michael Smith, Cynthia Vanaman-Setzer, Clarence E. Frazier are the Appellants

v.

City of Myrtle Beach, South Carolina and GD CP, LLC, Respondents

Dear Ms. Kitchings:

I have electronically filed a Notice of Appeal in the above-referenced matter. Enclosed is this firm's check in the amount of \$250.00 to cover the cost of filing this appeal.

By copy of this letter and enclosed Proof of Service, I am serving all counsel of record with a copy of the Notice of Appeal.

Sincerely yours,

LAW OFFICES OF JOHN M. LEITER, PA


John M. Leiter

JML/smp
Enclosures

cc: Douglas Zayicek, Esq.
Cheryl Shoun, Esq.

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