

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

Portside at Grande Dunes, LLC)
Appellant)
v.)
CPF Grace Management LLC, CPF Living)
Communities II — Myrtle Beach, LLC, and)
Grace Management, Inc.)
Appellees)

Appellate Case No. 2026-000709

MOTION TO DIRECT CLERK TO ACCEPT PLEADINGS

THIS CAUSE comes before the Court of Appeals from the Common Pleas Court of Horry County . which dismissed the case on the grounds that a plaintiff could not be represented by an attorney not admitted to practice in the state of South Carolina. In the Common Pleas Court, the defendant/appellee argued that the case was controlled by Renaissance Enters. V. Summit Teleservices Inc. 334 S.C. 649, 515 S.E. 2nd 257 (1999), and it was that case that the judge found to be controlling. Plaintiff/appellant argued, and intends to argue in this appeal, that Renaissance is not controlling. Specifically, appellant intends to present the following issue:

“Can a limited liability company that has only one member, who is an attorney, be represented by its member.”

This question represents a question of significance in South Carolina because the trend has been to acknowledge the significance of the distinguishing features of a single member LLC and because it represents an entirely different kind of case. Specifically,

- In Renaissance, the business entity was an “S” corporation. An “S” corporation is in every respect, except for its tax treatment, a corporation, whose governing documents is the corporation by-laws whose content is largely defined by stature and whose operation is bound by the laws of corporation. On the other hand, in this case, the business entity is a single-member limited liability company [LLC]. An LLC is, in every respect, except for the limitation on liability, treated as a partnership with its operation determined by an operating agreement created by the members and tailored to suit their specific needs. Moreover, disputes relating

to the operation of an LLC are resolved under the law of partnership, not the laws governing corporations.¹

- In addition, in *Renaissance* the plaintiff/appellant was represented by one of two shareholders – husband and wife. That is, the person seeking to represent *Renaissance* did not represent only his own interests. Rather, he was seeking to represent the interests of two people. However, in this case plaintiff/appellant is a single-member LLC and the only interests at issue are those of the attorney/owner who is that single-member.

The policy basis for requiring an LLC to be represented by an attorney goes back more than a century to *Bennie v. Triangle Ranch Co.*, 216 P. 718, 719 (Colo. 1923) in which the court said “*A wise public policy has uniformly maintained ... provisions regulating the practice of law, for the protection of citizens and litigants and the administration of justice, against the mistakes of the ignorant on the one hand and the machinations of unscrupulous persons on the other . . .*” This commentary, or a variant of it, has been used to justify not allowing non-lawyers to represent practice law as representatives of any party in court has been recited by most of the courts in which the issue has been raised.

A true analysis of *Renaissance* must include, *inter alia*, an examination of the Supreme Court's statement of the justification for its ruling. Specifically, in *Renaissance*, the court said:

“The goal of the prohibition against the unauthorized practice of law is to protect the public from incompetent, unethical, or irresponsible representation.” 515 S.E.2d 257.

This statement, which is echoed in the *Renaissance* progeny, refers to the potential consequences of the acts of someone who does not know the law. In *Blue Star Rental and Sales, Inc. v. Ridge Environmental, LLC*, 2014 WL 6977616 (S.C. 2014), Supreme Court of South Carolina, by way of clarifying *Renaissance* cited *State v. Despain*, 319 S.C. 317, 320, 460 S.E.2d 576, 578 (1995) for the proposition that “*purpose behind enjoining a nonlawyer from preparing a [] document was for the protection of the public from the potentially severe economic and emotional consequences*

¹ Bylaws outline how a corporation's board of directors operates, voting procedures, officer roles, and shareholder rights. They are required for most corporations once articles of incorporation are filed. **Operating agreements**, on the other hand, define how LLC members interact, manage profits and losses, and make business decisions. While not always legally required, most states strongly recommend them to safeguard the company's legal and financial structure.

which may flow from the erroneous preparation of legal documents or the inaccurate legal advice given by persons untrained in the law” However, this consideration is of no relevance in this case because appellant is represented by its owner who is an lawyer with more than thirty years experience.²

Continuing reliance on *Renaissance* is particularly problematic because, in that case, appellant was represented by a shareholder who had no legal training. Thus, if the court were to rely on *Renaissance* as a precedent, it would be doing exactly what other courts have identified as the greatest problem in allowing entities to be represented by a non-lawyer. Appellant contends that *Renaissance* should not be relied on precisely because it was not effectively argued.

It is also important for the court to recognize that the trend in rulings has been to recognize that single member LLCs are not required to be represented by an attorney. For example, in *Pro Sapiens, LLC v. Indeck Power Equipment Company*, 156 N.E.3d 1046 (Ill. App, 2019) discussed the similarity between sole proprietorships and LLCs and held that:

“A ‘Limited Liability Company is not a Corporation. A Single member LLC operates like a Sole Proprietor with an additional layer of protection against liabilities attributed to the LLC and therefore the single member CAN appear in Court to represent the LLC just as a Sole Proprietor CAN represent himself in Pro Se.’” 156 N.E.3d at 1053.

The issue underlying this motion is based on the fact that the Clerk of the Court of Appeals has advised appellant that the case will be dismissed “*unless a South Carolina licensed attorney makes an appearance.*” [See Exhibit A] While the clerk may be forgiven for reaching that conclusion because the issue on appeal has not yet been made clear, the action of the clerk effectively constitutes a ruling on the very issue that is being appealed. In that respect, the clerk has improperly exercised a power which can only be exercised by the court itself.

WHEREFORE, appellant request that the court enter its order vacating the “judgement” of the clerk and allowing the case to proceed as any other appeal.

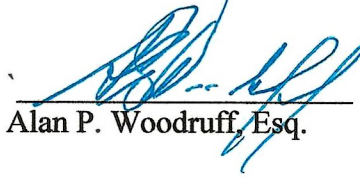
² Alan Woodruff holds a J.D. from Florida State University and an LLM in taxation from the University of Washington. Although he is now retired from general practice, he has been admitted to practice in multiple states — Florida, New Mexico, and Tennessee. In addition, Woodruff has been admitted to the U.S. District Courts for the Middle and Northern District of Florida, the Eastern and Middle Districts of Tennessee and New Mexico as well as the U.S. Courts of Appeal for the Fourth, Sixth, Tenth and Eleventh Circuits and the United States Supreme Court as well as the United States Tax Court, and has been counsel of record for cases in all of these courts.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to Carter R. Massingill, Esq., Gallican, White & Boyd, P.A., 55 Beattie Place, Suite 1200, Post Office Box 10589, Greenville, South Carolina 29201 by e-mail at cmassingillAgwblawfirm.com on this 29 day of March, 2026.



Alan P. Woodruff, Esq.

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Exhibit A