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Apr 22 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Appellate Case Number: 2026-000666  
Lower Court Case No.: 2025-CP-26-05366

R. Paul Benik, Jr., Anton F. B. R. Poster, Sr., Johann M. McCrackin, Timothy J. Wentzel and Lisa D. Abrams, Nellie B. Poster, Sherry S. Weatherly, Paula W. Benik, John D. Diehl, Lisa R. Diehl, Paul H. Errickson and Linda D. Errickson, Sandra Pridgen, Jerry Steven Wilson and Dana Pridgen Wilson, Ronald K. Reynolds, Rasario Reynolds, Gene W. Euchler and Cecelia L. Euchler, Sara F. Miles, V. Scott Miles, Deanna VanNostrand, Vernon G. Miles, Sharon E. Miles, Deborah Floyd, Douglas M. Mason, Barbara A. Mason, Brooks M. Safrit, Woodrow S. Safrit, Steven Alan Spears, Sylvia McCall Spears, Natalie D. Amaradasa, Darryl C. Williams, Mary Williams, Steven P. Lombardi, Lisa A. Lombardi, Davud G. Laureles, Tracey N. Laureles, Austin Whitesell, Jessica Whitesell, Jaqueline Ann Petrisko, Robert Palmer, Linda Palmer, Charles B. Hall, Virginia G. Hall, Paige Bird, Michael C. Smith, Edwina Sekhri, Vinod Sekhri, Sonia Heydt, Vicky Jackson, Douglas R. Keefe, Ashton Lackey, William Lackey, Timothy Beauford Hudson, Victoria Ester Hudson, Matthew G. Pivarnik, Joye S. Bull, Tumpie B. Bull, Maxine Willliams, Kim Ritchie, Van Raye Ritchie, William B. Burch, Sharon Burch, Ann M. Dozier, T. Guy Martin, Joshua Damon, Miriam R. Cromer and Arcadian Shores Single-Family Residential Homeowners Association, Inc., .....Appellant.

v.

The Arcadian Incorporated of Myrtle Beach, .....Respondent.

## **MOTION TO RECALL REMITTITUR AND SET ASIDE DISMISSAL OF APPEAL**

### **I. BACKGROUND FOR MOTION TO RECALL REMITTITUR AND SET ASIDE DISMISSAL OF APPEAL**

Between March 16 and March 20, 2026, Howell V. Bellamy, III, Esquire, was undergoing a transition of paralegal support. During this same period, and in the months leading up to it, Mr. Bellamy was dealing with significant medical issues, including: serious heart-related issues that have the possibility of resulting in a heart attack and stroke. Due to this, multiple visits to specialists at MUSC Health have been required, in addition to repeated laboratory testing, and the implantation of a heart monitor at Grand Strand Medical Center. His treatment was overseen by Dr. Rosenblum (cardiologist), Dr. Silbiger (internalist), Dr. Goebel (cardiovascular surgeon), Dr. Koroneous (neurologist) and Dr. Mary Hegedus (neurologist), among other providers, and the volume of medical care required and blood work/testing, resulted in scheduling burdens on the newly hired paralegals behalf and substantial stress.

Concurrently, Mr. Bellamy's previous paralegal departed the firm on March 16, 2026, and his newly hired paralegal did not immediately receive access to prior case communications, including email accounts, until granted by the firm's IT department. As a result, the new paralegal was required to manage both current and inherited communications while simultaneously attempting to address outstanding tasks left incomplete during the transition, including the March 17, 2026, Notice of Deficiencies with the Notice of Appeal sent by the Deputy Clerk of the Court of Appeals, Catherine Jasmine. These combined circumstances—Mr. Bellamy's medical condition, the transition of paralegal support, and the administrative transition—caused delays in receiving and responding to critical correspondence from the Court. We have already received the copy of the transcript and are currently working on the brief. These facts collectively explain the reason for the lack of timely response to the procedural deficiencies as cited by the letter from The South Carolina Court of Appeals dated March 17, 2026, which we respectfully apologize to the Court.

This matter has been discussed with the opposing counsel and they do not oppose the relief requested in our motion.

### **II. RELIEF REQUESTED**

Appellants respectfully request this Court:

1. Recall the remittitur currently filed and/or held by the Horry County Clerk of Court; and
2. Set aside the Dismissal of Appeal filed on March 31, 2026, by Jasmine D. Smith, Deputy Clerk of The South Carolina Court of Appeals.

Respectfully Submitted,

s/ Howell V. Bellamy, III  
Howell V. Bellamy, III (S. C. Bar  
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*Attorneys for Plaintiffs*

Myrtle Beach, South Carolina  
April 21, 2026

Cc: James Christopher Clark, Esquire  
Dominic Allen Starr, Esquire

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Respectfully Submitted,

s/ Howell V. Bellamy, III  
Howell V. Bellamy, III (S. C. Bar  
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*Attorneys for Plaintiffs*

Myrtle Beach, South Carolina  
April 21, 2026

Cc: James Christopher Clark, Esquire  
Dominic Allen Starr, Esquire

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April 13, 2026

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VIA EMAIL ONLY: ctappfilings@sccourts.org  
The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

RE: Appellate Case No: 2026-000666  
Case No: 2025-CP-26-05366

Dear Mrs. Kitchings:

Please find attached and served upon you, the Motion to Recall Remittitur and Set aside Dismissal of Appeal filed on March 31, 2026. Also, we will be forwarding the payment in the amount of \$50.00 and the Affidavit of Kayleigh Rhodes.

If you have any questions or concerns in the meantime, please do not hesitate to reach out to me.

Kindest regards,

April 13, 2026

/s/ Kayleigh E. Rhodes  
Kayleigh E. Rhodes, Paralegal  
to Howell V. Bellamy, III, Esquire

/tba  
Attachments  
cc: Dominic Starr, Esquire  
Christopher Clark, Esquire