

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)
)
 Atlantica Property Owners' Association,)
 Inc.,)
)
 Plaintiff,)
)
 vs.)
)
 Bellamy, Rutenberg, Copeland, Epps,)
 Gravely & Bowers P.A.,)
 Defendant.)

IN THE COURT OF COMMON PLEAS
 FOR THE FIFTEENTH JUDICIAL CIRCUIT

Civil Action No. 2013-CP-26-04551

ORDER

FILED
 14 JAN -2 PM 3:08
 RELAND FLORENCE-WARD
 CLERK OF COURT

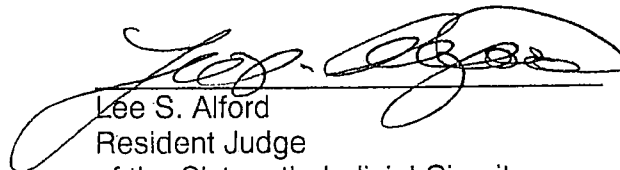
This matter is before the Court on Defendant's Motion To Reconsider its Order, dated November 15, 2013. The Court finds that the motion was timely filed. After carefully considering the Defendant's motion, the Court declines to alter or amend the November 15, 2013 order denying Defendant's Motion To Dismiss. Liberally considering the allegations in the complaint, which the Court is required to do, the Court finds that an actionable cause of action is alleged.

The Plaintiff cannot rely on the allegations of the Complaint in a summary judgment motion hearing. If the Plaintiff fails to produce some factual evidence to support the allegations, the Defendant would be entitled to the summary judgment. But, the Court finds that there are no cases cited by either of the parties which addresses the duty and responsibility of a law firm in a horizontal property regime and the recording of an easement for parking in which the new owners would be third party beneficiaries. It is not clear at this point if the law firm did anything other than what they were supposed to do or whether they made any representations to the purchasers.

The Court simply finds a Motion To Dismiss should not be granted in this case. It is more appropriate for summary judgment where the Plaintiff cannot rely on the allegations in the Complaint.

The Motion to Reconsider is denied.

IT IS SO ORDERED.


Lee S. Alford
Resident Judge
of the Sixteenth Judicial Circuit

York, South Carolina

December 30, 2013