

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Honorable Larry B. Hyman, Circuit Court Judge

70978

Case No. 2013-002600

Garth Holmes d/b/a Creekside MHP Management Respondent
AJP Group, LLC Appellant

MOTION TO BE RELIEVED AS COUNSEL FOR AJP GROUP, LLC

A. Preston Brittain, Esq.
The Brittain Law Firm, PA
4614 Oleander Drive
Myrtle Beach, SC 29577

Douglas W. MacKelcan, Esq.
Carlock, Copeland & Stair, LLP
40 Calhoun Street, Suite 200
Charleston, SC 29401
(P) 843.266.8228
*Attorney for Garth Holmes d/b/a
Creekside MHP Management*

Amanda A. Bailey, Esq.
McNair Law Firm, PA
Post Office Box 336
Myrtle Beach, SC 29578
(P) 843 444 1107
*Attorney for Garth Holmes d/b/a
Creekside MHP Management*

In an abundance of caution, and Pursuant to Rule 240 (a) and (b) of South Carolina Appellate Court Rules, Counsel, A. Preston Brittain, hereby moves to be relieved as counsel, in the above captioned matter.

Counsel filed the Notice of Intent, stating that the same was being filed "in an abundance of caution to protect AJP Group, LLC's" right to seek an appeal but specifically stated that A. Preston

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Brittain "would not be representing AJP Group, LLC" on the appeal, and further stating that "AJP Group, LLC, should seek other counsel should it wish to proceed" with the appeal.

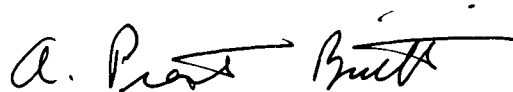
In the underlying action, counsel for AJP Group, LLC, sought to be relieved indicating to the Court that there were philosophical differences that required relief. On December 13, 2013, the Honorable Larry B. Hyman heard the motion and granted the same. At that time, counsel believed it had no further duties regarding AJP Group, LLC. On December 30, 2013, the Brittain Law Firm, PA received a letter from the South Carolina Court of Appeals (dated December 23, 2013) indicating the Court had received the appeal. As the letter was addressed to A. Preston Brittain, counsel infers that this filing is necessary to inform the Court of counsel's desire and necessity to be relieved. The differences requiring counsel to seek relief have not been altered, and counsel cannot proceed on behalf of AJP Group, LLC in any matter.

While AJP Group, LLC has known from the outset that the counsel would not be proceeding on its behalf, under these unusual circumstances, the Court may deem it proper (and in accordance with SCACR 240(b)) to stay this matter and allow AJP Group, LLC additional time to retain counsel and perfect the appeal.

A. Preston Brittain hereby seeks the South Carolina Court of Appeals to relieve A. Preston Brittain as counsel for AJP Group, LLC, and to stay the appeal for an appropriate time period to allow AJP Group, LLC, to obtain new counsel should it desire to move forward.

Respectfully submitted:

THE BRITTAIN LAW FIRM, P.A.



A. Preston Brittain, Esq. (SC Bar 73707)
4614 Oleander Drive
Myrtle Beach, SC 29577
843.449.8562

January 13, 2014
Myrtle Beach, South Carolina

IN THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Honorable Larry B. Hyman, Circuit Court Judge

Case No. 2013-002600

Garth Holmes d/b/a Creekside MHP Management	Respondent
AJP Group, LLC	Appellant

AFFIDAVIT OF A. PRESTON BRITTAIN

I, A. Preston Brittain, hereby swear and affirm, the following:

That I filed, in an abundance of caution, a Notice of Intent to Appeal and specifically indicated I would not be counsel in the appeal. That I filed the same to protect AJP Group, LLC's right to appeal, and advised AJP Group LLC to seek other counsel.

That I cannot represent AJP Group, LLC, because of ethical philosophical differences.

That the Honorable Larry B. Hyman heard and considered the same on December 13, 2013, and granted counsel's motion to be relieved from all matters of representation of AJP Group, LLC (Case No. 2013-CP-26-00362 and 2013-CP-26-00694).

Further, that I cannot proceed to represent AJP Group LLC, on any matter, including the appeal, and that I informed AJP Group, LLC of the same prior to filing. Further, that I informed this Court and my client AJP Group, LLC of same at the time of filing. Further, that I informed AJP Group, LLC of the same after the filing. Further, that I now inform this Court of the same and humbly seek relief.

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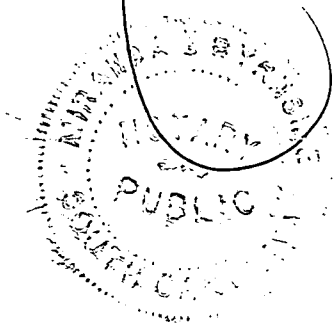
SC Court of Appeals

FURTHER SAYETH NOT.

A. Preston Brittain
A. PRESTON BRITTAIN

SWORN TO BEFORE ME this
13 day of January, 2014.

Manda E. Byrnside
Notary Public for South Carolina
My Commission Expires: May 9, 2013



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Case No. 2013-002600

Garth Holmes d/b/a Creekside MHP Management	Respondent
AJP Group, LLC	Appellant

PROOF OF SERVICE and CERTIFICATE OF MAILING

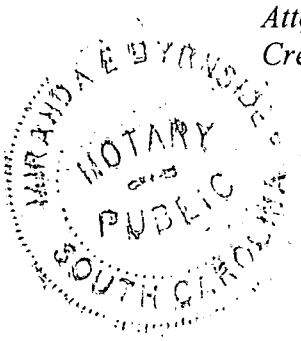
I, the undersigned Paralegal of The Brittain Law Firm, PA, do hereby certify that I have served all counsel in this action with a copy of the pleading hereinbelow specified by mailing a copy of the same by Certified First Class Mail, postage prepaid, to the following address(es):

Pleadings: MOTION TO BE RELIEVED AS COUNSEL FOR AJP GROUP, LLC

Counsel Served:

Amanda A. Bailey, Esq.
McNair Law Firm, PA
Post Office Box 336
Myrtle Beach, SC 29578
(P) 843 444 1107
*Attorney for Garth Holmes d/b/a
Creekside MHP Management*

Douglas W. MacKelcan, Esq.
Carlock, Copeland & Stair, LLP
40 Calhoun Street, Suite 400
Charleston, SC 29401
(P) 843.266.8228
*Attorney for Garth Holmes d/b/a
Creekside MHP Management*



Commission Expires: May 9, 2023

January 13, 2014
Myrtle Beach, South Carolina

Miranda E. Byrnside
MIRANDA E. BYRNSIDE
Paralegal for A. Preston Brittain, Esq.
The Brittain Law Firm, PA
4614 Oleander Drive
Myrtle Beach, SC 20577
(O) 843.449.8562
(F) 843.497.6124

Miranda@brittainlawfirm.com

THE BRITAIN LAW FIRM, P.A.

ATTORNEYS AT LAW
4614 OLEANDER DRIVE
MYRTLE BEACH, SOUTH CAROLINA 29577

THOMAS C. BRITAIN
MARY MADISON BRITAIN LANGWAY
A. PRESTON BRITAIN
T. CASE BRITAIN, JR.

843-449-8562
FAX 843-497-6124
www.brittainlawfirm.com

January 13, 2014

Via First Class Mail and Via Facsimile: 803.734.1839

The Honorable Jenny Abbott Kitchings
Clerk of Court
Post Office Box 11629
Columbia, SC 29211

RE: Garth Holmes d/b/a Creekside MHP Management Respondent
AJP Group, LLC Appellant
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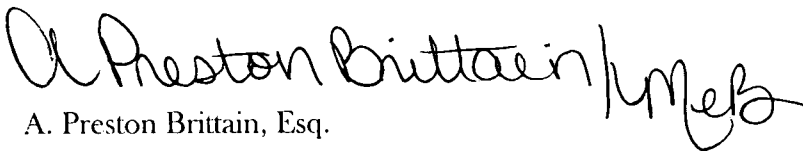
Dear Honorable Kitchings:

Enclosed please find an original and six (6) copies of a Motion to be relieved as Counsel for AJP Group, LLC, along with Proof of Service, regarding the above referenced case. Please file and return a clocked copy to my attention in the enclosed postage paid stamped envelope at your convenience.

Thank you for your kind assistance in this matter. By way of this letter I am serving copies to all counsel.

With warm regards, I am
Yours truly,

THE BRITAIN LAW FIRM, P.A.


A. Preston Britain, Esq.

APB/meb
Enclosure(s)

cc: The Honorable Melanie Huggins-Ward (via first class mail)
Amanda A. Bailey, Esq. (via first class mail)
Douglas W. Mackelcan, III, Esq. (via first class mail)

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