



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1015 SUMTER STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

April 07, 2014

The Honorable Julie J. Armstrong
100 Broad St Ste 106
Charleston SC 29401-2210

REMITTITUR

Re: Teseniar, Mark v. National Fire
Lower Court Case No. 2008CP1000049
Appellate Case No. 2011-193671

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

A handwritten signature in cursive script that reads "Jenny A. Kitchings".

CLERK

Enclosure

cc: Jesse A. Kirchner, Esquire
Justin O'Toole Lucey, Esquire
Phillip Ward Segui, Jr., Esquire

W. Jefferson Leath, Jr., Esquire
John T. Chakeris, Esquire
Michael A. Timbes, Esquire
John Lucius McCants, Esquire
Kirby Darr Shealy, III, Esquire

The South Carolina Court of Appeals

Mark F. Teseniar & Nan M. Teseniar,
on behalf of themselves and others
similarly situated, and Twelve Oaks At
Fenwick Property Owners Association,
Inc.,

Respondents,

v.

Professional Plastering & Stucco, Inc.,
Maria Arias, and Miquel Rosales,

Defendants,

National Fire & Marine Insurance
Company,

Appellant.

The Honorable Kristi Lea Harrington
Charleston County
Trial Court Case No. 2008-CP-10-00049

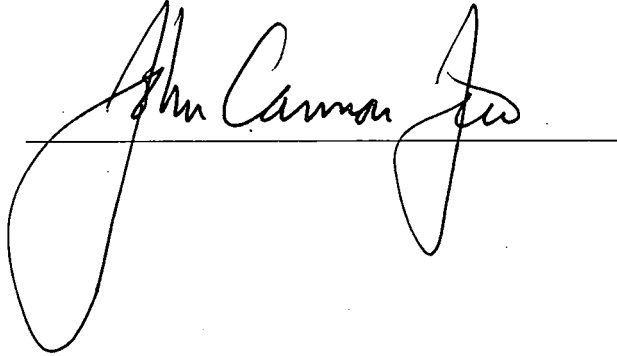
ORDER

National Fire & Marine Insurance Company (National Fire), who was not a party to the underlying action, has filed a notice of appeal from the trial court's oral ruling denying National Fire's request for a Special Verdict Form and/or General Verdict Form Accompanied by Written Interrogatories pursuant to Rule 49, of the South Carolina Rules of Civil Procedure. Respondents have filed a motion to dismiss, arguing National Fire cannot appeal from any matter arising from the underlying trial because National Fire was not a party in the action, and never moved to intervene. National Fire filed a return.

After careful consideration, this appeal is dismissed. See Rule 201(b), SCACR ("Only a party aggrieved by an order, judgment, sentence or decision may appeal."); Ex parte Condon, 354

S.C. 634, 642, 583 S.E.2d 430, 434 (2003) ("[T]he Attorney General is required, like everyone else, to formally intervene and become a named party before he can file an appeal.").

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "John L. McCants", is written over a horizontal line. The signature is stylized with large loops and a long tail.

Columbia, South Carolina

cc: John L. McCants, Esquire
Jesse Kirchner, Esquire
Michael A. Timbes, Esquire
John T. Chakeris, Esquire
Justin O'Toole Lucey, Esquire
Phillip Ward Segui, Esquire
W. Jefferson Leath, Esquire

FILED
cc 4/5/18