

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas  
John M. Milling, Special Referee

Appellate Case No. 2013-1281

Harleysville Group Insurance, a Pennsylvania corporation, ... Appellant/Respondent,

v.

Heritage Communities, Inc., a South Carolina Corporation;  
Heritage Magnolia North, Inc., a South Carolina  
Corporation; Buildstar Corporation, a South Carolina  
Corporation, Magnolia North Horizontal Property Regime,  
Magnolia North Property Owners Association, Inc., a  
South Carolina Corporation and National Surety Corp.,  
Defendants,, .....

7/19/17

Defendants,

Of whom Heritage Communities, Inc., a South Carolina  
Corporation; Heritage Magnolia North, Inc., a South  
Carolina Corporation; Heritage Riverwalk, a South  
Carolina Corporation; Buildstar Corporation, a South  
Carolina Corporation, National Surety Corp., and Tony L.  
Pope and Lynn Pope, individually and representing as a  
class all unit owners at Riverwalk at Arrowhead Country  
Club Horizontal Property Regime are .....

Respondents,

And Magnolia North Horizontal Property Regime,  
Magnolia North Property Owners Association, Inc., a  
South Carolina Corporation and Riverwalk at Arrowhead  
Country Club Horizontal Property Regime; Riverwalk at  
Arrowhead Country Club Property Owners Association,  
Inc. are .....

Respondents/Appellants.

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**Consent Motion to File an Amended Designation of  
Matter to be Included in the Record on Appeal**

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Appellant/Respondent Harleysville Group Insurance (“Harleysville”) hereby  
seeks leave of the Court to file an Amended Designation of Matter to be Included in the

Record on Appeal. Harleysville filed its initial designation in this matter on September 9, 2013. That document designated a certain chart submitted to the Special Referee but inadvertently referred to that document as the “Magnolia North Data” rather than by its correct title of “Riverwalk Data.”

Accordingly, Harleysville seeks leave of this Court to file the Amended Designation enclosed herein.<sup>1</sup> Counsel for Respondents/Appellants has consented to this request. (See attached.)

Respectfully submitted,

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 

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Attorneys for Appellant/Respondent Harleysville

April 17, 2014

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<sup>1</sup> Although this Court, by Order dated March 18, 2014, consolidated the two companion appeals known as “Magnolia North” and “Riverwalk,” this Amended Designation amends only the previously-filed Designation in the “Riverwalk” appeal.

**Miles Coleman**

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**Subject:** FW: Heritage record on appeal issue

**From:** Pat Henry [mailto:PHenry@thompsonlaw.com]

**Sent:** Thursday, March 20, 2014 8:55 PM

**To:** Mitch Brown

**Cc:** Stephanie Hall

**Subject:** RE: Heritage record on appeal issue

That is fine.

Sent from my Verizon Wireless 4G LTE Smartphone

----- Original message -----

From: Mitch Brown

Date: 03/20/2014 2:43 PM (GMT-05:00)

To: Pat Henry

Subject: Heritage record on appeal issue

Pat,

In the process of preparing the Record on Appeal in the Harleysville declaratory judgment appeals, we noticed what appear to be two errors in the filed Designations. Both appear to be typos where we or you typed "Magnolia North" instead of "Riverwalk," or vice versa.

First, in paragraph 23 of our Riverwalk Designation filed September 18, 2013, we designate a chart titled "Magnolia North Data." This is incorrect. We intended to designate a chart titled "Riverwalk Data." (There are two charts: one for Magnolia North, which was properly designated, and one for Riverwalk, which was inaccurately designated due to this typo.)

Second, in paragraph 29 of your Magnolia North Designation filed December 16, 2013, you designated the "Motion of Riverwalk" to alter or amend. It appears that you meant to designate the motion of Magnolia North to alter or amend.

I propose that when we file the Record (April 17, 2014), we each file an Amended Designation by Consent to correct the two errors identified above. Please let me know if you are agreeable to this course of action.

Mitch

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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM HORRY COUNTY  
Court of Common Pleas  
John M. Milling, Special Referee

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Case Nos. 2009-CP-26-10053 & 2009-CP-26-11862  
Appellate Case No. 2013-001281

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Harleysville Group Insurance, a Pennsylvania corporation,..... Appellant/Respondent,

v.

Heritage Communities, Inc., a South Carolina corporation; Heritage Magnolia North, Inc., a South Carolina corporation; Buildstar Corporation, a South Carolina corporation; Magnolia North Horizontal Property Regime; Magnolia North Property Owners Association, Inc., a South Carolina corporation, and National Surety Corp.,..... Defendants,

Of whom Heritage Communities, Inc., a South Carolina corporation; Heritage Magnolia North, Inc., a South Carolina corporation; Heritage Riverwalk, a South Carolina corporation; Buildstar Corporation, a South Carolina corporation, and National Surety Corp. and Tony L. Pope and Lynn Pope, individually and representing as a class all unit owners at Riverwalk at Arrowhead Country Club Horizontal Property Regime are ..... Respondents,

And Magnolia North Horizontal Property Regime, Magnolia North Property Owners Assoc., Inc., a South Carolina corporation and Riverwalk at Arrowhead Country Club Horizontal Property Regime; Riverwalk at Arrowhead Country Club Property Owners Association, Inc. are ..... Respondents/Appellants.

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PROOF OF SERVICE

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I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellant/Respondent, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

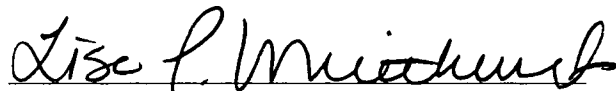
Consent Motion to File an Amended Designation of Matter to be Included in the Record on Appeal

Counsel Served:

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Lisa P. Whitehurst  
Administrative Assistant

April 17, 2014

# Nelson Mullins

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April 17, 2014

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
SC Court of Appeals  
1015 Sumter Street - 5th Floor  
Columbia, SC 29201

RE: Harleysville Group Ins. v. Heritage Communities (Magnolia) AND  
Harleysville Group Ins. v. Heritage Communities (Riverwalk)  
C.A. No.: 2009-CP-26-11862 & 2009-CP-26-10053  
Appellate Case No. 2013-001281  
Our File No.: 00470/01580

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of the Consent Motion to File an Amended Designation of Matter to be Included in the Reocrd on Appeal in regard to the above-referenced matter. We would ask that you file the original and return a clocked-in copy to us via our courier. Also enclosed is our check in the amount of \$25.00 as the required filing fee.

With kind regards, I remain

Sincerely yours,

  
C. Mitchell Brown

CMB:lpw  
Enclosures

cc: John P. Henry, Esquire  
Philip C. Thompson, Esquire  
Laura Johnson Evans, Esquire  
Karin McCarthy, Esquire

**RECEIVED**  
APR 17 2014  
SC Court of Appeals