

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

John M. Milling, Special Referee

Case No: 2013-001281

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 Communitites, 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.

RESPONSE TO CONSENT MOTION FILED BY HARLEYSVILLE TO AMEND
DESIGNATION OF MATTER TO BE INCLUDED IN THE RECORD ON APPEAL IN
RIVERWALK APPEAL

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APR 28 2014

SC Court of Appeals

Pursuant to Rule 209, SCACR, Respondents/Appellants Magnolia North Horizontal Property Regime, Magnolia North Property Owners Association, Inc., a South Carolina Corporation, Riverwalk at Arrowhead Country Club Horizontal Property Regime and Riverwalk at Arrowhead Country Club Property Owners Association, Inc., (“Respondents/Appellants”) hereby responds to the Motion of Appellant/Respondent, Harleysville Group Insurance, dated April 17, 2014, to file an Amended Designation as follows:

- A. Respondents/Appellants consent to the Motion.
- B. Respondents/Appellants Magnolia North by consent hereby seeks leave of the Court to file an Amended Designation of Matter to be Included in the Record on Appeal. The purpose of this amended designation is to correct paragraph 29 which inadvertently refers to the “Motion of Riverwalk at Arrowhead, et. al., to Alter or Amend, March 20, 2013.” Paragraph 29 should have stated “Motion of Magnolia North, et. al., to Alter or Amend, March 20, 2013.”


Accordingly, Respondents/Appellants, Riverwalk and Magnolia North seek leave of the Court to file the Amended Designation of Matter to be Included in the Record on Appeal attached hereto.¹ Counsel for Appellants/Respondents has consented to this request. See attached.

[Signature page to follow]

¹ This designation only amends the Designation in the Magnolia North Appeal.

THOMPSON & HENRY, P.A.

By:



John P. Henry
Philip C. Thompson
Thompson & Henry, P.A.
1300 Second Avenue, 3rd Floor
Post Office Box 1740 (zip: 29528)
Conway, South Carolina 29526
(843)248-5741

*Attorneys for Respondents/ Appellants
Magnolia North Horizontal Property
Regime, Magnolia North Property Owners
Association, Inc., a South Carolina
Corporation*

April 25, 2014

Miles Coleman

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 Magolia 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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THOMPSON
& HENRY, P.A.

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J. PAT HENRY
pherry@thompsonlaw.com

April 25, 2014

The Honorable Jenny Kitchings
Clerk of Court
South Carolina Court of Appeals
PO Box 11629 (29211)
1015 Sumter Street
Columbia, SC 29201

RE: Harleysville Group Insurance, Inc. v. Magnolia North Horizontal Property
Regime, et al.
Appellate Case No.: 2013-001281

Dear Ms. Kitchings:

Please find enclosed herewith the original and one (1) copy of Response to Consent Motion Filed by Harleysville to Amend Designation of Matter to be Included in the Record on Appeal in Riverwalk Appeal, Respondent's Amended Designation of Matter for the Record on Appeal for Respondents/Appellants and proper Proof of Service. Please file the originals and return to me a clocked copy in the enclosed self-addressed, stamped envelope.

By copy of this letter I am serving same on all counsel of record.

With kindest regards, I am

Sincerely,
THOMPSON & HENRY, P.A.


John P. Henry

PCT/sbh
cc: C. Mitchell Brown, Esquire
Robert C. Calamari, Esquire
Laura J. Evans, Esquire
Enclosures as noted.

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APR 28 2014

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