

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM OCONEE COUNTY
Court of Common Pleas

172032

Alexander S. Macaulay, Presiding Judge Seventh Judicial Circuit

Appellate Case No: 2013-001404

Stoneledge At Lake Keowee Owners' Association, Inc., C. Dan Carson, Jeffrey J. Dauler, Joan W. Davenport, Michael Furnari, Donna Furnari, Jessy B. Grasso, Nancy E. Grasso, Robert P. Hayes, Lucy H. Hayes, Ty Hix, Jennifer D. Hix, Paul W. Hund, III, Ruth E. Isaac, Michael D. Plourde, Mary Lou Plourde, Carol C. Pope, Steven B. Taylor, Bette J. Taylor, and Robert White, Individually and on Behalf of All others similarly situated.....Plaintiffs

v.

IMK Development Co., LLC, Keowee Townhouses, LLC, Ludwig Corporation, LLC, SDI Funding, LLC, Medallion at Keowee, LLC, Integrys Keowee Development, LLC, Marick Home Builders, LLC, Bostic Brothers Construction, Inc., Miller/Player & Associates, John Ludwig, Clear View Construction, LLC, Michael Franz, MHC Contractors, Miguel Porras Choncoas, Builders First Source Southeast Group, Mike Green, Southern Concrete Specialties, Carl Compton d/b/a Compton Enterprize a/k/a Compton Enterprises, Gunter Heating & Air, All Pro Heating, A/C & Refrigeration, LLC, Coleman Waterproofing, Heyward Electrical Services, Inc., Tinsley Electrical, LLC, Hutch N Son Construction, Inc., Carl Catoe Construction, Inc., T.G. Construction, LLC, Delfino Construction, Francisco Javier Zarate d/b/a Zarate Construction, Alejandro Avalos Cruz, Herberito Acros Hernandez, Martin Hernandez-Aviles, Francisco Villalobos Lopez, Ambrosio Martinez-Ramirez, Ester Moran Mentado, Socorro Castillo Montel, Upstate Utilities, Inc., MJG Construction and Homebuilders, Inc. d/b/a MJG Construction, KMAC of the Carolinas, Inc., Eufacio Garcia, Everado Jarmamillo, Garcia Parra Insulation, Inc., J&J Construction, Jose Nino, Jose Manuel Garcia, Eason Construction, Inc., and Vincent Morales d/b/a Morales Masonry/Player & Associates.....Defendants

Of whom Marick Home Builders, LLC and Rick Thoennes are Appellants,

And Builders First Source-Southern Group, Southern Concrete Specialties, Inc., Clear View Construction, LLC, and Michael Franz are the Respondents.

Bostic Construction, Inc., Third Party Plaintiffs,

v.

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SC Court of Appeals


Southern Stone, Inc., and Buck Smith Construction, Third Party Defendants.

**MOTION TO BE RELIEVED AS COUNSEL AND
FOR SUBSTITUTION OF COUNSEL**

Pursuant to Rule 265, SCACR, Respondents Clear View Construction, LLC, and Michael Franz move for an Order relieving Lindsay L. Builder as counsel for Respondents Clear View Construction, LLC, and Michael Franz. Michael B. T. Wilkes and Wilkes Law Firm, P.A., will remain as counsel of record.

Respondents also move to substitute Ellen S. Cheek, also of Wilkes Law Firm, P.A., who is admitted to practice in this Court, as counsel of record for Respondents Clear View Construction, LLC, and Michael Franz, and to receive all filings and correspondence in this matter.

Respectfully Submitted,



Michael B.T. Wilkes, Esquire (SC Bar #: 6107)
Lindsay L. Builder, Esquire (SC Bar #: 81764)
Wilkes Law Firm, P.A.
127 Dunbar Street, Suite 200
Spartanburg, SC 29306

*Attorneys for Respondents Clear View
Construction, LLC and Michael Franz*

April 24, 2014

Spartanburg, South Carolina

THE STATE OF SOUTH CAROLINA
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Alexander S. Macaulay, Presiding Judge Seventh Judicial Circuit

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Of whom Marick Home Builders, LLC and Rick Thoennes are the Appellants,

And Builders First Source-Southeast Group, Southern Concrete Specialties, Inc., Clear View Construction, LLC, and Michael Franz are the Respondents,


Bostic Construction, Inc., Third Party Plaintiffs,

v.

Southern Stone, Inc., and Buck Smith Construction, Third Party Defendants.

PROOF OF SERVICE

I certify that I have served *the Respondents Clear View Construction, LLC, and Michael Franz's Motion to be Relieved as Counsel and for Substitution of Counsel* on Appellants by depositing a copy of it in the United States Mail, First Class postage prepaid, on April 24, 2014, addressed to all counsel of record as listed below.



Judy J. Saad, Paralegal

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SC Court of Appeals

Southeast Group, LLC and Mike Green

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Charleston, SC 29401

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Attorney for Respondents

WILKES LAW FIRM P.A.

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DEREK M. NEWBERRY*
LINDSAY L. BUILDER*

•CHARLESTON OFFICE
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April 24, 2014

The Honorable Jenny Abbott Kitchings
Clerk, of South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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SC Court of Appeals

Re: *Stoneledge at Lake Keowee Owners' Assoc., Inc., et al v. IMK Development Co., et al.(Clear View Construction, LLC)*
Appellate Case No.: 2013-001404

Enclosed please find the following for filing in Appellate Case No.: 2013-001403:

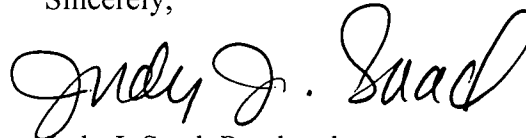
- (1) Original and seven (7) copies of Motion to be Relieved as Counsel and Substitution of Counsel of Respondents Clear View Construction, LLC and Michael Franz;
- (2) Original and seven (7) copies of the Proof of service of Respondents' Motion to Withdraw as Counsel and Substitution of Counsel; and
- (4) Our firm check in the amount of \$25.00 for the filing fee.

Please file one original of each document and return a clocked copy to me in the enclosed, self-addressed, stamped envelope. If you have any questions regarding the enclosed, please do not hesitate to contact me.

By copy of this letter, I am serving the same upon our clients and all counsel of record in the case.

Thank your for your assistance in this matter.

Sincerely,

A handwritten signature in black ink that reads "Judy J. Saad". The signature is written in a cursive style with a large initial "J" and "S".

Judy J. Saad, Paralegal
jsaad@wilkeslaw.com

Enclosures

cc w/enclosures to:

Clearview Construction, LLC
Michael Franz
Jason M. Imhoff, Esquire
C. Reed Teague, Esquire
Mason A. Goldsmith, Esquire
David A. Root, Esquire
Robert T. Lyles, Esquire
Michael B.T. Wilkes, Esquire