

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

**RECEIVED**  
JUL 10 2014  
SC Court of Appeals

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2012-CP-26-8652  
Appellate Case No. 2013-CP-26-08652

TriStar Investors, Inc., Minerva Realty, LLC, and  
Angeline Johnson, ..... Appellants,

v.

The Horry County Council and American Towers,  
LLC, ..... Respondents.

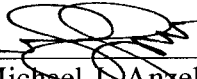
**Agreed Dismissal of Appeal**

Pursuant to Rules 240 and 260(b) of the South Carolina Appellate Court Rules, Appellants TriStar Investors, Inc., Minerva Realty, LLC, and Angeline Johnson request that this Court issue an order dismissing their appeal in the above-captioned matter. The basis for this motion is that the parties have settled this matter, rendering this appeal moot. Pursuant to Rule 261(b), SCACR, this settlement does not need court approval or be submitted to this Court.

Counsel for Respondent Horry County Council and Respondent American Towers, LLC, consent to the dismissal of the appeal. The parties further agree that each party shall bear its own costs and attorney fees and no costs shall be assessed to either party under Rule 222, SCACR.

Therefore, Respondents respectfully move this Court for an Order dismissing the above-captioned appeal in its entirety.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By:   
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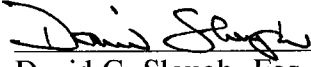
L. Morgan Martin  
S.C. Bar No. 3667  
mmartin@lmorganmartin.com  
L. Morgan Martin, P.A.  
1121 Third Avenue  
Conway, SC 29526  
843.248.3177

Attorneys for Appellants TriStar Investors, Inc.,  
Minerva Realty, LLC, and Angeline Johnson

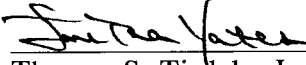
July 11, 2014

WE SO CONSENT:

NEXSEN PRUET, LLC

 *by via w/ permission, attached as Exhibit A*  
David C. Slough, Esq.  
SC Bar No. 11852  
1101 Johnson Avenue, Suite 300  
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(843) 213-5400  
dslough@nexsenpruet.com

HELLMAN YATES & TISDALE, PA

 *by via w/ permission, attached as Exhibit B*  
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Jonathan L. Yates, Esq.  
Jason S. Smith, Esq.  
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Charleston, SC 29401  
(843) 266-9099  
[ts@hellmanyates.com](mailto:ts@hellmanyates.com)  
[jly@hellmanyates.com](mailto:jly@hellmanyates.com)  
[js@hellmanyates.com](mailto:js@hellmanyates.com)

Attorneys for Respondent American Towers, LLC

July 10, 2014

WE SO CONSENT:

THOMAS & BRITAIN, PA

Emma Ruth Brittain *by via w/ permission, attached as Exhibit C*  
Emma Ruth Brittain, Esq.  
Post Office Box 1290  
Myrtle Beach, SC 29578  
(843) 692-2628  
[erbrittain@myrlaw.com](mailto:erbrittain@myrlaw.com)

Attorneys for Respondent Horry County

July 10, 2014

**Michael Anzelmo**

**From:** Slough, David C. <DSlough@nexsenpruet.com>  
**Sent:** Thursday, July 10, 2014 12:21 PM  
**To:** Michael Anzelmo; Emma Ruth Brittain (ERBrittain@myrlaw.com); Jonathan Yates (jly@hellmanyates.com); js@hellmanyates.com  
**Subject:** RE: TriStar v. Horry County Council and Amercian Towers, Appellate Case No. 2013-CP-08652

You have my consent.

**David C. Slough**

Nexsen Pruet, LLC  
1101 Johnson Avenue, Suite 300  
Myrtle Beach, South Carolina 29577  
T: 843.213.5400 F: 843.213.5419  
[DSlough@nexsenpruet.com](mailto:DSlough@nexsenpruet.com)  
[www.nexsenpruet.com](http://www.nexsenpruet.com)

**NEXSEN PRUET**[Home](#)[Practice Areas](#)[Attorneys](#)[Offices](#)

**From:** Michael Anzelmo [<mailto:Michael.Anzelmo@nelsonmullins.com>]  
**Sent:** Thursday, July 10, 2014 12:20 PM  
**To:** Slough, David C.; Emma Ruth Brittain ([ERBrittain@myrlaw.com](mailto:ERBrittain@myrlaw.com)); Jonathan Yates ([jly@hellmanyates.com](mailto:jly@hellmanyates.com)); [js@hellmanyates.com](mailto:js@hellmanyates.com)  
**Subject:** TriStar v. Horry County Council and Amercian Towers, Appellate Case No. 2013-CP-08652  
**Importance:** High

All,

As you know, this action has settled. The settlement agreement requires the appeal be dismissed today, July 10, 2014. To facilitate that dismissal, will each of you authorize me to sign your name on the attached dismissal for your respective client? Such consent will allow the filing of the dismissal today as we do not have time for overnight mailing of the required original signatures. Please respond to this email if you agree to same. I will attach the email with your consent to the filing so the Court is aware of your authorization.

Thanks,  
Michael Anzelmo  
Counsel for TriStar

Michael J. Anzelmo | Attorney at Law | Nelson Mullins Riley & Scarborough LLP  
(p) 803.255.9312 | (f) 803.255.9024 | (e) [michael.anzelmo@nelsonmullins.com](mailto:michael.anzelmo@nelsonmullins.com)

Confidentiality Notice

**Michael Anzelmo**

**From:** jly@hellmanyates.com  
**Sent:** Thursday, July 10, 2014 1:21 PM  
**To:** Michael Anzelmo; David Slough (dslough@nexsenpruet.com)  
(dslough@nexsenpruet.com); Emma Ruth Brittain (ERBrittain@myrlaw.com);  
js@hellmanyates.com  
**Subject:** Re: TriStar v. Horry County Council and Amercian Towers, Appellate Case No. 2013-CP-08652

You have the consent of Hellman Yates and Tisdale  
Sent from my BlackBerry

---

**From:** Michael Anzelmo <[Michael.Anzelmo@nelsonmullins.com](mailto:Michael.Anzelmo@nelsonmullins.com)>  
**Date:** Thu, 10 Jul 2014 16:19:39 +0000  
**To:** David Slough ([dslough@nexsenpruet.com](mailto:dslough@nexsenpruet.com)) ([dslough@nexsenpruet.com](mailto:dslough@nexsenpruet.com))<[dslough@nexsenpruet.com](mailto:dslough@nexsenpruet.com)>;  
Emma Ruth Brittain ([ERBrittain@myrlaw.com](mailto:ERBrittain@myrlaw.com))<[ERBrittain@myrlaw.com](mailto:ERBrittain@myrlaw.com)>; Jonathan Yates  
([jly@hellmanyates.com](mailto:jly@hellmanyates.com))<[jly@hellmanyates.com](mailto:jly@hellmanyates.com)>; [js@hellmanyates.com](mailto:js@hellmanyates.com)<[js@hellmanyates.com](mailto:js@hellmanyates.com)>  
**Subject:** TriStar v. Horry County Council and Amercian Towers, Appellate Case No. 2013-CP-08652

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Thanks,  
Michael Anzelmo  
Counsel for TriStar

Michael J. Anzelmo | Attorney at Law | Nelson Mullins Riley & Scarborough LLP  
(p) 803.255.9312 | (f) 803.255.9024 | (e) [michael.anzelmo@nelsonmullins.com](mailto:michael.anzelmo@nelsonmullins.com)

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**Michael Anzelmo**

---

**From:** Emma Ruth Brittain <ERBrittain@myrlaw.com>  
**Sent:** Thursday, July 10, 2014 1:57 PM  
**To:** Michael Anzelmo  
**Cc:** David Slough (dslough@nexsenpruet.com) (dslough@nexsenpruet.com); Jonathan Yates (jly@hellmanyates.com); js@hellmanyates.com  
**Subject:** Re: TriStar v. Horry County Council and Amercian Towers, Appellate Case No. 2013-CP-08652

That will be fine.

Sent from my iPhone

On Jul 10, 2014, at 12:19 PM, "Michael Anzelmo" <[Michael.Anzelmo@nelsonmullins.com](mailto:Michael.Anzelmo@nelsonmullins.com)> wrote:

All,

As you know, this action has settled. The settlement agreement requires the appeal be dismissed today, July 10, 2014. To facilitate that dismissal, will each of you authorize me to sign your name on the attached dismissal for your respective client? Such consent will allow the filing of the dismissal today as we do not have time for overnight mailing of the required original signatures. Please respond to this email if you agree to same. I will attach the email with your consent to the filing so the Court is aware of your authorization.

Thanks,  
Michael Anzelmo  
Counsel for TriStar

Michael J. Anzelmo | Attorney at Law | Nelson Mullins Riley & Scarborough LLP  
(p) 803.255.9312 | (f) 803.255.9024 | (e) [michael.anzelmo@nelsonmullins.com](mailto:michael.anzelmo@nelsonmullins.com)

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<South Carolina - Agreed Dismissal of Appeal.docx>

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

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TriStar Investors, Inc., Minerva Realty, LLC, and  
Angeline Johnson, ..... Appellants,

v.

The Horry County Council and American Towers,  
LLC, ..... Respondents.

I, the undersigned administrative assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellants Tristar Investors, Inc., Minerva Realty, LLC and Angeline Johnson, 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):

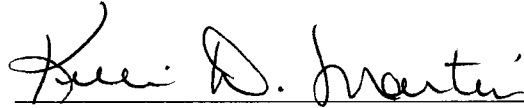
Pleadings: Agreed Dismissal of Appeal

Counsel Served:

Emma Ruth Brittain, Esquire  
Thomas & Brittan, P.A.  
Post Office Box 1290  
Myrtle Beach, SC 29578  
Attorney for Respondent Horry County Council


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*Attorneys for Defendant American Tower, LLC*

Jonathan L. Yates, Esquire  
Hellman Yates & Tisdale, PA  
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*Attorneys for Defendant American Tower, LLC*



---

Kelli Diamond Martin  
Administrative Assistant

  
July 10, 2014

# Nelson Mullins

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**RECEIVED**  
JUL 10 2014  
**SC Court of Appeals**

Michael J. Anzelmo  
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michael.anzelmo@nelsonmullins.com

July <sup>10</sup>~~11~~, 2014, *bjmp*

## Hand Delivered

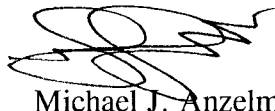
The Honorable Jenny Abbott Kitchings  
Clerk of Court  
SC Court of Appeals  
1015 Sumter Street - 5th Floor  
Columbia, SC 29201

RE: TriStar Investors, Inc., Minerva Realty, LLC, and Angeline Johnson v. The  
Horry County Council, and American Tower Corporation  
Civil Action No. 2012-CP-26-08652  
Our File No. 39776/01501

Dear Ms. Kitchings:

Enclosed please find an original and seven copies of an Agreed Dismissal of Appeal in the above-referenced matter. Please file the original and return a clocked-in copy to me via our courier. Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Michael J. Anzelmo

MJA:jlee  
Enclosures

cc: Emma Ruth Brittain, Esquire  
David C. Slough, Esquire  
Jonathan L. Yates, Esquire  
Thomas S. Tisdale, Jr., Esquire  
J. Jackson Thomas, Esquire  
Jason S. Smith, Esquire

The Honorable Jenny Abbott Kitchings  
July 11, 2014  
Page 2

bcc: L. Morgan Martin, Esquire  
David C. Bruening, Esquire  
Melissa L. Montgomery, Esquire  
Angeline D. Johnson