

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

W. Jeffrey Young, Circuit Court Judge

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App. Case. No. 2013-000020  
Case No. 2011-CP-10-3241

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Keith Roberts and Lot 12 Yellow House, L.L.C.,

Appellants,

v.

Randall J. Drew,

Respondent.

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**RETURN TO APPELLANTS' PETITION FOR REHEARING**

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8/13, 2014

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AUG 15 2014

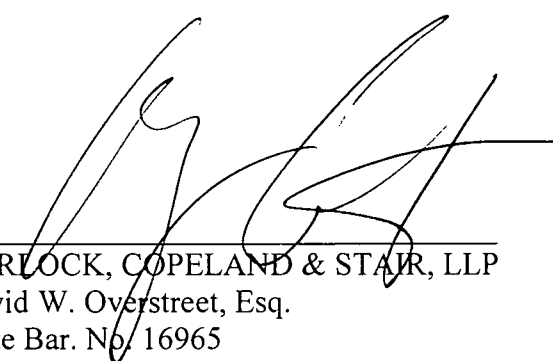
**SC Court of Appeals**

## DISCUSSION

Respondent respectfully submits this Return to Appellants' Petition for Rehearing. In order to prevail on a petition for rehearing, an appellant must demonstrate the Court overlooked or misapprehended the appellant's argument. SCACR 221. The purpose of a petition for rehearing is not to have the case tried in the appellate court a second time. Kennedy v. S.C. Ret. Sys., 349 S.C. 531, 564 S.E.2d 322 (2001).

Appellants fully briefed the points discussed in the Petition for Rehearing, and counsel for Appellants discussed these issues at length during oral argument. The Court understood these points and, in fact, discussed each thoroughly in its Order affirming the lower Court's decision. The Petition for Rehearing is simply an attempt to re-argue the case which the Court correctly decided in its unanimous unpublished opinion.

Therefore, the Court should deny Appellants' Petition for Rehearing.



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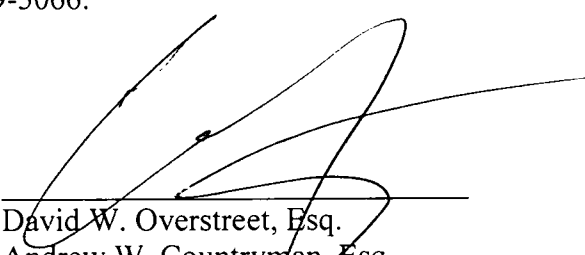
**SC Court of Appeals**

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**PROOF OF SERVICE**

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I certify that I have served the Brief of Respondent on Appellants by depositing a copy in the United States Mail, postage prepaid, on 8/13, 2014, addressed to counsel for the Appellants, Thomas A. Pendarvis and Catherine B. Kerney, 500 Carteret Street, Suite A, Beaufort, South Carolina 29909-5066.



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August 13, 2014

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

Re: Keith Roberts, *et al.* v. Randall J. Drew  
Appellate Case No. 2013-000020  
CCS File No.: 2950-43538

Dear Ms. Kitchings:

I represent the Respondent in this case. Enclosed for filing, please find an original and seven copies of the Respondent's Return to Appellants' Petition for Rehearing. If you would, send me a filed copy of the Return in the enclosed envelope. Thank you in advance for your cooperation, and please let me know if you have any questions. By copy of this correspondence, I am serving counsel for the Appellants with a copy of Respondent's Return.

Best regards,

  
ANDREW W. COUNTRYMAN

AWC/fas  
Enclosures

cc: Thomas A. Pendarvis, Esq.  
Catherine B. Kerney, Esq.

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**SC Court of Appeals**