

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

RECEIVED

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
The Honorable Mikell R. Scarborough, Master-in-Equity

AUG 15 2014

SC Court of Appeals

Appellate Case No. 2014-001635

13222

Windswept Villas III Horizontal Property Regime ..... Respondent,

v.

Elaine Devlin Peery a/k/a Elaine D. Peery ..... Appellant.

**RESPONDENT'S MOTION TO RECOGNIZE THE MASTER IN EQUITY'S  
CONTINUING JURISDICTION**

Respondent respectfully submits this Motion to Recognize the Master in Equity's continuing jurisdiction over the above matter.<sup>1</sup>

On June 26, 2014, the Honorable Mikell R. Scarborough executed an order finding the Appellant in civil contempt and setting an additional hearing on the matter for August 29, 2014 at 10 a.m. Ex. A.<sup>2</sup> The Appellant was personally served with the

<sup>1</sup> The Court of Appeals has the power and authority to rule upon issues arising under SCACR. State v. Cooper, 342 S.C. 389, 398, 536 S.E.2d 870, 876 (2000). Where there is no procedure specified for the determination of an issue on appeal, authority to resolve such a dispute is vested in the appellate court, not the circuit court. See id.; Kearney v. Allen, 287 S.C. 324, 328, 338 S.E.2d 335, 337 (1985) holding modified by State v. Cooper, 342 S.C. 389, 536 S.E.2d 870 (2000).

<sup>2</sup> The Order further required the Respondent to "**personally serve the [Appellant] with notice of the August 29, 2014 hearing wherein [the Appellant] must show cause as to why she failed to appear at these Supplemental Proceedings and respond to discovery as required by the Court's October 31, 2013 Order. Should [the Appellant] fail to appear at the August 29, 2014 10 a.m. hearing, she will be subject to arrest and imprisonment.**" The Court will at that time also rule on additional

Master's Order on July 9, 2014. Ex. B. The Appellant served her notice of appeal on July 17, 2014.<sup>3</sup> Ex. C. On August 1, 2014, the Court requested that counsel for the Appellant and counsel for the Respondent provide the Court with a memorandum addressing the appealability of the order on appeal. Ex. D. By correspondence dated August 7, 2014, counsel for the Appellant requested an extension and clarification from the Court as to the Court's August 1, 2014 request. Ex. E. Respondent's memorandum addressing appealability of the contempt order was received by the Court on August 11, 2014. Ex. F. On August 12, 2014, the Court confirmed that the only order on appeal is the Order on Judgment Creditor's Motion for a Rule to Show Cause and Order of Contempt, which is the only order on file with the Court. Ex. G. The Court further granted Appellant's request for an extension to submit her memorandum of appealability, which is now due August 21, 2014. Ex. G.

Matters of civil contempt are not automatically stayed notwithstanding a notice of appeal. Matter of Decker, 322 S.C. 212, 214, 471 S.E.2d 459, 461 (1995). In addition, when an order is interlocutory and not immediately appealable, the service and filing of a notice of intent to appeal does not transfer jurisdiction to the appellate court, nor does it stay proceedings in the lower court. S. Carolina Pub. Serv. Auth. v. Arnold, 287 S.C. 584, 586, 340 S.E.2d 535, 536 (1986); Muckenfuss v. Fishburne, 68 S.C. 41, 46 S.E. 537 (1903).

Because an additional hearing to address the Appellant's contempt has been set for August 29, 2014; because the Appellant has been personally served with notice of that

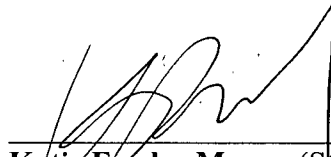
---

attorneys' fees and costs that may be owed by [the Appellant].” Ex. A (emphasis in original).

<sup>3</sup> Appellant subsequently filed an Amended Notice of Appeal on August 8, 2014.

hearing; because the Order on appeal is not immediately appealable; and because matters of civil contempt are not automatically stayed by a Notice of Appeal, the Respondent respectfully requests that this Honorable Court enter an expedited Order recognizing the Master in Equity's continuing jurisdiction over supplemental proceedings, which includes the forthcoming hearing on August 29, 2014, wherein the Master in Equity will address sanctions in the matter.

Respectfully submitted,



---

**Katie Fowler Monoc** (SC Bar# 78131)  
PRATT-THOMAS WALKER, P.A.  
16 Charlotte Street (29403)  
P.O. Drawer 22247  
Charleston, S.C. 29413-2247  
(843) 727-2200  
Attorneys for Respondent Windswept Villas III

August 14, 2014



January 13, 2014 hearing, Peery's attorney, John Cantrell, Esquire, appeared on her behalf that day.<sup>1</sup> At the hearing, it was determined that the base judgment amount owed by Peery (\$27,034.02) had been identified and was being held in trust for Elaine Peery at the law firm of Thurmond, Kirchner, Timbes & Yelverton, PA. The Court ordered that these Supplemental Proceedings be continued and that those funds held in trust remain in trust subject to this Court's jurisdiction until such further notice and Order from this Court.

Counsel for Windswept then attempted to obtain the discovery ordered in the Court's October 31, 2013 Order to no avail. For this reason, a second hearing on Supplemental Proceedings was held April 21, 2014. Peery was properly noticed yet failed to appear. Because Peery failed to comply with the ordered discovery and failed to appear at Supplemental Proceedings, Windswept filed a Motion for Rule to Show Cause and for an Order of Contempt. Although Counsel for Peery was properly served with Windswept's Motion, Peery was not personally served.

Notwithstanding, this Court has the inherent power to punish for contempt. Such power "is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders and writs of the courts, and consequently to the due administration of justice." Ex parte Cannon, 385 S.C. 643, 660-61, 685 S.E.2d 814, 824 (Ct. App. 2009).

Contempt results from the willful disobedience of a court order, and before a court may find a person in contempt, the record must clearly and specifically reflect the contemptuous conduct. A willful act is one ... done voluntarily and intentionally with the specific intent to do something the law forbids, or with the specific intent to fail to do something the law requires

---

<sup>1</sup> An additional attorney, Vernee Hancock, Esquire, appeared on behalf of Peery on March 20, 2014.

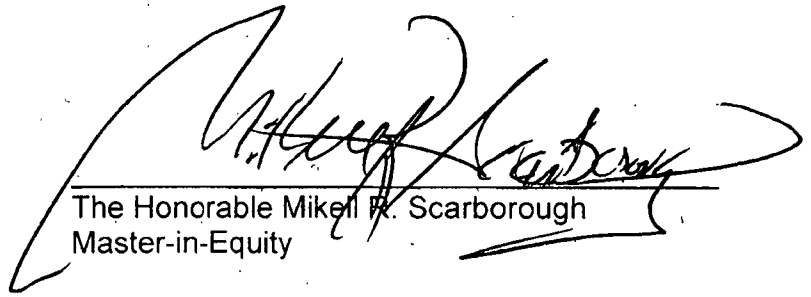


to be done; that is to say, with bad purpose either to disobey or disregard the law.

Id. (internal citations omitted). The record demonstrates that Peery failed to comply with the Court-ordered discovery and failed to personally appear at Supplemental Proceedings to answer questions under oath as ordered by the Court. Nor did she or her counsel cooperate with Windswept's counsel to submit to a deposition. Peery and her counsel specifically failed to do what the law required to be done – namely, to participate in discovery and Supplemental Proceedings. I find that Peery has been on notice of these proceedings and the applicable discovery requests set forth in the Court's October 31, 2013 Order since late 2013 yet has failed to comply with the same and has failed to appear at a single hearing. For these reasons, I find that Peery is in contempt of Court and subject to sanctions; specifically, Peery's contempt provides an additional ground for the Judgment Creditor to recover reasonable attorneys' fees and costs (previously awarded in this Court's Order on Supplemental Proceedings on other grounds).

**An additional hearing on the matter shall be set for August 29, 2014 at 10 a.m. The Judgment Creditor is to personally serve the Judgment Debtor, Elaine Peery, with notice of the August 29, 2014 hearing wherein Peery must show cause as to why she failed to appear at these Supplemental Proceedings and respond to discovery as required by the Court's October 31, 2013 Order. Should Elaine Peery fail to appear at the August 29, 2014 10 a.m. hearing, she will be subject to arrest and imprisonment.** The Court will at that time also rule on additional attorneys' fees and costs that may be owed by Peery.

IT IS SO ORDERED!



The Honorable Mikell R. Scarborough  
Master-in-Equity

This 26<sup>th</sup> day of June, 2014  
Charleston, South Carolina

**AFFIDAVIT OF SERVICE**

State of South Carolina

County of Charleston

Common Pleas Court

Case Number: <sup>2009</sup>~~2010~~-CP-10-5799 Court Date: 8/29/2014 10:00:am

Plaintiff:  
**Windswept Villas III Horizontal Property Regime**

vs.

Defendant:  
**Elaine Devlin Peery a/k/a Elaine D. Peery**

For:  
Katie Fowler Monoc  
Pratt-Thomas Walker Professional Association  
P.O. Drawer 22247  
Charleston, SC 29413

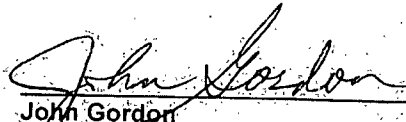
FILED  
2014 JUL 18 PM 4:44  
JULIE A. WAINSTON  
CLERK OF COURT

Received by PROCESS SERVICE, INC. to be served on Elaine D. Peery, 3053 Pignatelli Crescent, Mount Pleasant, SC 29466.

I, John Gordon, being duly sworn, depose and say that on the 9th day of July, 2014 at 11:25 am:

PERSONALLY served by delivering a true copy of the LETTER, MOTION AND ORDER INFORMATION FORM AND COVERSHEET, NOTICE OF MOTION AND MOTION FOR RULE TO SHOW CAUSE AND FOR AN ORDER OF CONTEMPT, EXHIBITS A-B, ORDER ON JUDGMENT CREDITOR'S MOTION FOR A RULE TO SHOW CAUSE AND ORDER OF CONTEMPT and NOTICE OF HEARING with the date and hour of service endorsed thereon by me, to: Elaine D. Peery at the address of: 3053 Pignatelli Crescent, Mount Pleasant, SC 29466, and informed said person of the contents therein.

I am over eighteen and have no interest in the above action.



John Gordon  
Process Server

Subscribed and Sworn to before me on the 9th day of July, 2014 by the affiant who is personally known to me

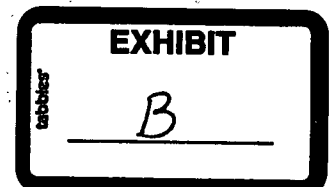


NOTARY PUBLIC

Commission Expires: 02/20/23

PROCESS SERVICE, INC.  
P.O. Box 20097  
Charleston, SC 29413  
(843) 577-2355

Our Job Serial Number: LEX-2014001649



**NOTICE OF APPEAL IN A CIVIL CASE**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2010-CP-10-5799

Windswept Villas III  
Horizontal Property Regime,

Respondent,

v.

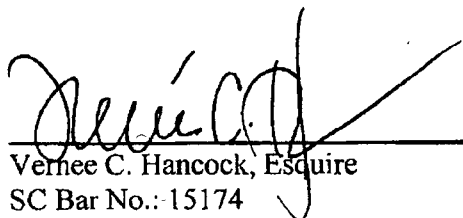
Elaine Devlin Peery a/k/a,  
Elaine D. Peery,

Appellant.

**NOTICE OF APPEAL**

Elaine D. Peery appeals the written orders and judgment of the Honorable Mikell R. Scarborough dated June 26, 2014. Appellant received written notice of entry of this written order and judgment on July 3, 2014.

July 17, 2014.

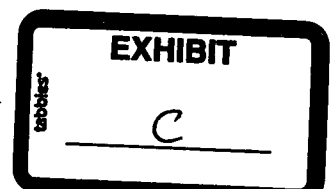
  
Vernee C. Hancock, Esquire  
SC Bar No.: 15174  
Post Office Box 2276  
Summerville, South Carolina 29484  
(843) 851-1476  
Attorney for Appellant

Other Counsel of Record:  
Katie Fowler Monoc  
PO Drawer 22247  
Charleston, South Carolina 29413-2247  
Attorney for Respondent  
(843) 727-2244

**RECEIVED**

JUL 25 2014

**SC Court of Appeals**



72994

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHARLESTON )  
 )  
 WINDSWEPT VILLAS III HORIZONTAL )  
 PROPERTY REGIME )  
 Petitioner/ Judgment Creditor, )  
 )  
 vs. )  
 )  
 ELAINE DEVLIN PEERY A/K/A )  
 ELAINE D. PEERY, )  
 )  
 )  
 )  
 Respondent/ Judgment Debtor. )

IN THE COURT OF COMMON PLEAS  
 FOR THE NINTH JUDICIAL CIRCUIT  
 CASE NO.: 09-CP-10-5799

**FILED**  
 2014 JUN 30 PM 3:14  
 JULIE J. ANTHONY  
 CLERK OF COURT

**ORDER ON JUDGMENT  
 CREDITOR'S MOTION FOR A RULE  
 TO SHOW CAUSE AND ORDER OF  
 CONTEMPT**

**RECEIVED**

JUL 25 2014

**SC Court of Appeals**

This matter came before me on June 20, 2014. Present were counsel for the Petitioner, Katie Fowler Monoc, Esquire, and counsel for the Respondent, John R. Cantrell, Esquire and Vernee C. Hancock, Esquire. Also present was Lydia P. Davidson, Esquire, who represented Petitioner in the underlying matter.

The Petitioner/Judgment Creditor (hereinafter "Windswept") initiated these Supplemental Proceedings by a Motion to the Court on October 22, 2013 wherein Windswept sought to recover on its judgment against the Respondent/Judgment Debtor (hereinafter "Peery") in the amount of \$27,034.02 plus reasonable attorneys' fees, costs of collection, and interest at the legal rate from March 27, 2012, the date of judgment, until such time that all amounts owed are paid in full. An Order of Reference was executed by The Honorable R. Markley Dennis, Jr. on October 28, 2013 and filed on October 31, 2013. The Order of Reference required Peery to personally appear at the January 13, 2014 hearing on Supplemental Proceedings as well as to provide documents set forth in the Order. Although service had not been effected as of the

January 13, 2014 hearing, Peery's attorney, John Cantrell, Esquire, appeared on her behalf that day.<sup>1</sup> At the hearing, it was determined that the base judgment amount owed by Peery (\$27,034.02) had been identified and was being held in trust for Elaine Peery at the law firm of Thurmond, Kirchner, Timbes & Yelverton, PA. The Court ordered that these Supplemental Proceedings be continued and that those funds held in trust remain in trust subject to this Court's jurisdiction until such further notice and Order from this Court.

Counsel for Windswept then attempted to obtain the discovery ordered in the Court's October 31, 2013 Order to no avail. For this reason, a second hearing on Supplemental Proceedings was held April 21, 2014. Peery was properly noticed yet failed to appear. Because Peery failed to comply with the ordered discovery and failed to appear at Supplemental Proceedings, Windswept filed a Motion for Rule to Show Cause and for an Order of Contempt. Although Counsel for Peery was properly served with Windswept's Motion, Peery was not personally served.

Notwithstanding, this Court has the inherent power to punish for contempt. Such power "is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders and writs of the courts, and consequently to the due administration of justice." Ex parte Cannon, 385 S.C. 643, 660-61, 685 S.E.2d 814, 824 (Ct. App. 2009).

Contempt results from the willful disobedience of a court order, and before a court may find a person in contempt, the record must clearly and specifically reflect the contemptuous conduct. A willful act is one ... done voluntarily and intentionally with the specific intent to do something the law forbids, or with the specific intent to fail to do something the law requires

---

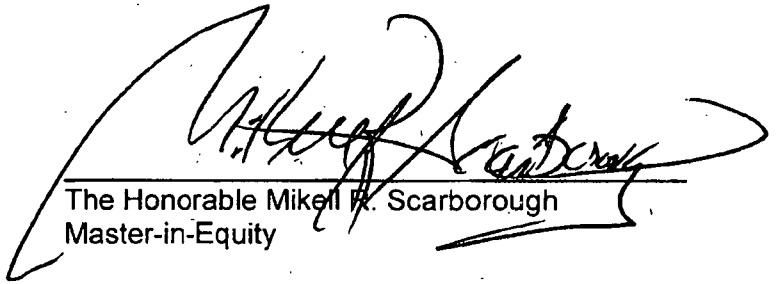
<sup>1</sup> An additional attorney, Vernee Hancock, Esquire, appeared on behalf of Peery on March 20, 2014.

to be done; that is to say, with bad purpose either to disobey or disregard the law.

Id. (internal citations omitted). The record demonstrates that Peery failed to comply with the Court-ordered discovery and failed to personally appear at Supplemental Proceedings to answer questions under oath as ordered by the Court. Nor did she or her counsel cooperate with Windswept's counsel to submit to a deposition. Peery and her counsel specifically failed to do what the law required to be done – namely, to participate in discovery and Supplemental Proceedings. I find that Peery has been on notice of these proceedings and the applicable discovery requests set forth in the Court's October 31, 2013 Order since late 2013 yet has failed to comply with the same and has failed to appear at a single hearing. For these reasons, I find that Peery is in contempt of Court and subject to sanctions; specifically, Peery's contempt provides an additional ground for the Judgment Creditor to recover reasonable attorneys' fees and costs (previously awarded in this Court's Order on Supplemental Proceedings on other grounds).

**An additional hearing on the matter shall be set for August 29, 2014 at 10 a.m. The Judgment Creditor is to personally serve the Judgment Debtor, Elaine Peery, with notice of the August 29, 2014 hearing wherein Peery must show cause as to why she failed to appear at these Supplemental Proceedings and respond to discovery as required by the Court's October 31, 2013 Order. Should Elaine Peery fail to appear at the August 29, 2014 10 a.m. hearing, she will be subject to arrest and imprisonment.** The Court will at that time also rule on additional attorneys' fees and costs that may be owed by Peery.

IT IS SO ORDERED!



The Honorable Michael R. Scarborough  
Master-in-Equity

This 26<sup>th</sup> day of June, 2014  
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2010-CP-10-5799

Windswept Villas III  
Horizontal Property Regime,

Respondent,

v.

Elaine Devlin Peery a/k/a,  
Elaine D. Peery,

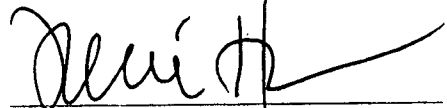
Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Respondent Windswept Villas III Horizontal Property Regime and the Clerk of the Trial Court by mailing a copy by first class mail, postage paid to the attorney for Respondent Windswept Villas III Horizontal Property Regime and the Clerk of the Trial Court:

Counsel of Record:  
Katie Fowler Monoc  
PO Drawer 22247  
Charleston, South Carolina 29413-2247  
Attorney for Respondent  
(843) 727-2244

Honorable Julie J. Armstrong  
Charleston County Clerk of Court  
100 Broad Street, Suite 106  
Charleston SC 29401



Vernee C. Hancock, Esquire  
Post Office Box 2276  
Summerville, South Carolina 29484  
Telephone - (843) 851-1476  
Telecopier - (843) 851-0183  
[hancocklawfirm@gmail.com](mailto:hancocklawfirm@gmail.com)  
Attorney for Appellant

July 22, 2014

JUL 25 2014

SC Court of Appeals

RECEIVED



# Vernee C. Hancock

Telephone: (843) 851-1476

Attorney at Law

Fax: (843) 851-0183

Post Office Box 2276, Summerville, South Carolina 29484

Vernee C. Hancock, Esq.

E-Mail: [hancocklawfirm@gmail.com](mailto:hancocklawfirm@gmail.com)

July 17, 2014

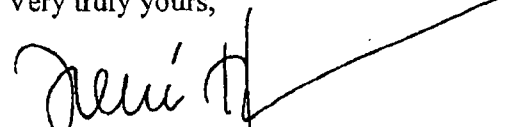
Katie F. Monoc, Esquire  
Pratt-Thomas Walker  
P.O. Drawer 22247  
Charleston, SC 29413-2247

Re: Windswept Villas III Horizontal Property Regime v. Elaine Devlin Peery a/k/a Elaine D. Peery  
Case No. 2010-CP-10-5799

Dear Katie:

Enclosed please find the Notice of Appeal in the above matter which I hereby serve upon you.

Very truly yours,

  
Vernee C. Hancock

VCH/nac  
Enclosures (as stated)

## CERTIFICATE OF SERVICE

I certify that on this date a copy of the foregoing was served on each party or counsel of record by  U.S. Mail,  emailing,  facsimile, or  hand delivery in the manner prescribed by the applicable Rule of Civil Procedure.

This 17<sup>th</sup> day of July, 2014

Law Office of Vernee Hancock

BY: M. Chicolar

**RECEIVED**

JUL 25 2014

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2010-CP-10-5799

Windswept Villas III  
Horizontal Property Regime,

Respondent,

v.

Elaine Devlin Peery a/k/a,  
Elaine D. Peery,

Appellant.

**RECEIVED**

JUL 25 2014

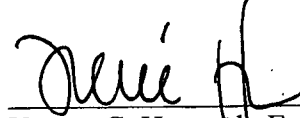
**SC Court of Appeals**

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Respondent Windswept Villas III Horizontal Property Regime and the Clerk of the Trial Court by mailing a copy by first class mail, postage paid to the attorney for Respondent Windswept Villas III Horizontal Property Regime and the Clerk of the Trial Court:

Counsel of Record:  
Katie Fowler Monoc  
PO Drawer 22247  
Charleston, South Carolina 29413-2247  
Attorney for Respondent  
(843) 727-2244

Honorable Julie J. Armstrong  
Charleston County Clerk of Court  
100 Broad Street, Suite 106  
Charleston SC 29401



Vernee C. Hancock, Esquire  
Post Office Box 2276  
Summerville, South Carolina 29484  
Telephone - (843) 851-1476  
Telecopier - (843) 851-0183  
[hancocklawfirm@gmail.com](mailto:hancocklawfirm@gmail.com)  
Attorney for Appellant

July 22, 2014



*Vernee C. Hancock*

*Attorney at Law*

Post Office Box 2276  
Summerville, South Carolina 29484

Telephone: (843) 851-1476  
Fax: (834) 851-0183  
E-Mail: [HVERNEE@aol.com](mailto:HVERNEE@aol.com)

July 22, 2014

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
Post office Box 11629  
Columbia SC 29211

Re: Windswept Villas III Horizontal Property Regime vs. Elaine Devlin Peery  
Case No.: 2009-DR-10-5799

Dear Ms. Kitchings:

Please find enclosed the original and two (2) copies of Proof of Service, Notice of Appeal and Certificate of Service dated July 17, 2014, and served upon Katie Fowler Monoc as attorney for Windswept Villas III Horizontal Property Regime. Also enclosed is our check for the filing fee of \$100.00, along with the following Orders regarding this case: Order on Judgment Creditor's Motion for Rule to Show Cause and Order for Contempt, and Order on Supplemental Proceedings. An Order on Judgment Debtor's Motion to Vacate should be enclosed, but it apparently has not been signed and/or filed, and has not been provided by opposing counsel, as of this date. That Order will be forthcoming when it has been served upon me by Katie Fowler Monoc. Please file the original and return two (2) stamped copies to me in the enclosed envelope.

Very truly yours,

Vernee C. Hancock

VCH/nac  
Enclosures – as stated.

Cc: Katie Fowler Monoc, Esq. (w/encl.)  
Hon. Julie J. Armstrong (w/encl.)

**RECEIVED**

JUL 25 2014

**SC Court of Appeals**



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
www.sccourts.org

August 01, 2014

Ms. Vernee Chnita Hancock, Esquire  
Hancock Law Law Firm  
PO Box 2276  
Summerville SC 29484

Mrs. Kathleen Fowler Monoc, Esquire  
PO Drawer 22247  
Charleston SC 29413-2247

Re: Windswept Villas v. Elaine Peery  
Appellate Case No. 2014-001635

Dear Counsel:

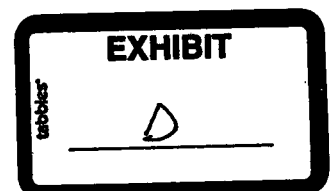
This Court has received a notice of appeal. A preliminary review of the order challenged on appeal indicates it might not be appealable.

Accordingly, it is requested that you serve and file a memorandum addressing the issue of appealability within ten (10) days of the date of this letter. The time limits for perfecting the appeal are held in abeyance pending the Court's consideration of the memorandum.

Very truly yours,

*Jenny Abbott Kitchings*

CLERK





# Vernee C. Hancock

Telephone: (843) 851-1476

Attorney at Law

Fax: (843) 851-0183

Post Office Box 2276, Summerville, South Carolina 29484

Vernee C. Hancock, Esq.

E-Mail: [hancocklawfirm@gmail.com](mailto:hancocklawfirm@gmail.com)

August 7, 2014

SENT VIA FACSIMILE# 803-734-1839

Ms. Elizabeth Carter  
South Carolina Court of Appeals  
Post office Box 11629  
Columbia SC 29211

Re: Windswept Villas III Horizontal property Regime vs. Elaine Devlin Peery  
Case No.: 2009-DR-10-5799

Dear Ms. Carter:

Pursuant to our conversation moments ago, I am submitting this letter via facsimile requesting for clarification of the contents contained in the letter dated August 1, 2014 by Jenny Abbott Kitchings, Clerk of the South Carolina Court of Appeals. Specifically, the attached letter indicates a preliminary review of the order challenged on appeal may not be appealable. I previously submitted to the Court two (2) orders for purposes of the appeal. However, the letter does not indicate which order the Court of Appeals is identifying.

The letter further requires that I serve and file a memorandum addressing the issue of appeal ability within ten (10) days of the date of the August 1, 2014 letter. Since there is further clarification needed, I respectfully request that I be granted an extension of time of ten (10) days from the date I receive further instructions and clarification from the Court of Appeals.

Thank you for your time and attention to this matter.

Very truly yours,

Vernee C. Hancock

VCH/nac  
Enclosures (as stated)

cc: Katie Fowler Monoc, Esq.

EXHIBIT

E



## The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1015 SUMTER STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1880  
FAX: (803) 734-1838  
www.sccourts.org

August 01, 2014

Ms. Vernee Chnita Hancock, Esquire  
Hancock Law Law Firm  
PO Box 2276  
Summerville SC 29484

Mrs. Kathleen Fowler Monoc, Esquire  
PO Drawer 22247  
Charleston SC 29413-2247

Re: Windswept Villas v. Elaine Peery  
Appellate Case No. 2014-001635

Dear Counsel:

This Court has received a notice of appeal. A preliminary review of the order challenged on appeal indicates it might not be appealable.

Accordingly, it is requested that you serve and file a memorandum addressing the issue of appealability within ten (10) days of the date of this letter. The time limits for perfecting the appeal are held in abeyance pending the Court's consideration of the memorandum.

Very truly yours,

A handwritten signature in black ink that reads "Jenny Abbott Kitchings".

CLERK.

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

AUG 11 2014

**SC Court of Appeals**

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
The Honorable Mikell R. Scarborough, Master-in-Equity

Appellate Case No. 2014-001635

Windswept Villas III Horizontal Property Regime ..... Respondent,

v.

Elaine Devlin Peery a/k/a Elaine D. Peery ..... Appellant.

**RESPONDENT'S MEMORANDUM ADDRESSING APPEALABILITY**

Pursuant to the Court's request dated August 1, 2014, Respondent Windswept Villas III Horizontal Property Regime ("Windswept") respectfully submits this memorandum addressing the issue of whether the order challenged on appeal by Appellant Elaine Devlin Peery ("Appellant") is appealable.

Windswept submits that the order on appeal, in which the master expressly reserves the right to address the issue of contempt and sanctions at a subsequent hearing, is *not* appealable. It is well-recognized that an order adjudicating a party in contempt but reserving the right to award sanctions at a later time is not appealable until sanctions have been imposed. Consequently, this appeal should be dismissed.

**Procedural Posture**

On October 22, 2013, Windswept, as judgment creditor, initiated supplemental proceedings against Appellant to collect on a judgment against Appellant for \$27,034.02 plus



attorneys' fees, costs of collection, and interest. Ex. A, Order on Judgment Creditor's Mot. for a Rule to Show Cause & Order of Contempt, p.1. By order filed October 31, 2013, the case was referred to the Honorable Mikell R. Scarborough, the Master-in-Equity for Charleston County, South Carolina. Ex. A, p.1. The Order of Reference required Appellant to personally appear at a January 13, 2014 hearing on supplemental proceedings and to provide documents set forth therein. Ex. A, p.1.

Appellant failed to appear at the January 13, 2014 hearing, though her counsel appeared for her, and at a subsequent April 21, 2014 hearing. Ex. A, p.2. Appellant also failed to provide documents as set forth in the Order of Reference. Ex. A, p.2. Consequently, Windswept filed and served a Motion for Rule to Show Cause and for an Order of Contempt. Ex. A, p.2.

On June 20, 2014, the Master held a hearing on Windswept's Motion for Rule to Show Cause and for an Order of Contempt. Ex. A, p.1. On June 30, 2014, the Master entered an order finding Appellant in contempt, but explaining that an additional hearing would be held on August 29, 2014 to address the Motion for Rule to Show Cause and for an Order of Contempt. Ex. A, p.1.

Appellant received written notice of entry of the June 30, 2014 order on July 3, 2014. Ex. B, Notice of Appeal. Appellant served a Notice of Appeal of this order on July 17, 2014. Ex. B.

#### Law/Analysis

This appeal should be dismissed because the order on appeal establishes that the Master did not address what sanctions to impose and because the Master expressly reserved the right to impose sanctions at a hearing set for August 29, 2014. Simply put, there is more to be done before the order becomes appealable.

“South Carolina case law has established what constitutes an interlocutory appeal.” Mid-State Distributors, Inc. v. Century Importers, Inc., 310 S.C. 330, 335, 426 S.E.2d 777, 780 (1993). “If there is some further act which must be done by the court prior to a determination of the rights of the parties, then the order is interlocutory.” Id. “If a judgment determines the applicable law while leaving open questions of fact, it is not a final judgment.” Id.; see Good v. Hartford Acc. & Indem. Co., 201 S.C. 32, 21 S.E.2d 209, 212 (1942) (judgment is not final if there are unsettled issues of fact as to the particular proceeding or action). Moreover, where, as here, the Master expressly reserves his ruling on an issue, the issue is not appealable because there has been no final adjudication as to such issue. See Brown v. Gaskins, 284 S.C. 30, 34, 324 S.E.2d 639, 641 (S.C. Ct. App. 1984) (“The question of whether the locked gate constitutes an unreasonable interference with Gaskins’s easement was expressly reserved by the master in equity and may not be made a part of this appeal since there has been no final adjudication of the issue.”).<sup>1</sup>

Furthermore, it is well-recognized that an order of contempt is appealable *only after* sanctions have been determined. See Culbertson v. Clemens, 322 S.C. 20, 23, 471 S.E.2d 163, 164 (1996) (“While normally this order would constitute the final judgment, at that time the sanctions issue was still pending against Appellants. Thus, the rights of the parties had not been completely determined until January 17, 1995, when the judge gave his final sanctions order.”); Forschner Grp., Inc. v. Arrow Trading Co., Inc., 124 F.3d 402, 410 (2d Cir. 1997) (“Moreover, an order adjudging a party in contempt unaccompanied by sanctions is not final and therefore is not appealable.”); Don’s Porta Signs, Inc. v. City of Clearwater, 829 F.2d 1051, 1053 (11th Cir.

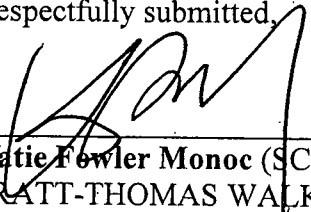
---

<sup>1</sup> In Jowers v. Hornsby, 292 S.C. 549, 357 S.E.2d 710 (1987), the Supreme Court of South Carolina disapproved of Brown only because the Court of Appeals in Brown held that the issue of whether an easement exists is an equitable determination.

1987) (“[I]mposition of sanctions, however, is a prerequisite for appellate review of a contempt order . . . .”); State ex rel. Euclid Plaza Associates, L.L.C. v. Mason, 81 S.W.3d 573, 576 (Mo. Ct. App. 2002) (“There is no right to appeal from an order of civil contempt where a sentence to jail or a fine has not been imposed or executed.”); In re Karlie D., 19 Neb. App. 135, 139, 809 N.W.2d 510, 514-15 (2011) (“Where a court makes findings of contempt but imposes no sanction, there is no final order from which to appeal.”).

For the foregoing reasons, the order on appeal is not final or appealable. Consequently, this appeal should be dismissed and remitted to the Master.

Respectfully submitted,



---

**Katie Fowler Monoc** (SC Bar# 78131)  
PRATT-THOMAS WALKER, P.A.  
16 Charlotte Street (29403)  
P.O. Drawer 22247  
Charleston, S.C. 29413-2247  
(843) 727-2200  
Attorneys for Respondent Windswept Villas III  
Horizontal Property Regime

August 8, 2014

STATE OF SOUTH CAROLINA )  
 COUNTY OF CHARLESTON )  
 WINDSWEPT VILLAS III HORIZONTAL )  
 PROPERTY REGIME )  
 Petitioner/ Judgment Creditor, )  
 vs. )  
 ELAINE DEVLIN PEERY A/K/A )  
 ELAINE D. PEERY, )  
 Respondent/ Judgment Debtor. )

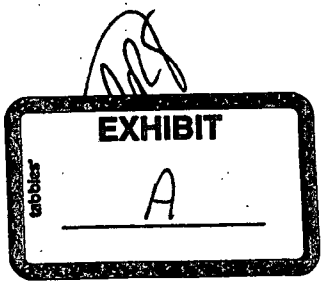
IN THE COURT OF COMMON PLEAS  
 FOR THE NINTH JUDICIAL CIRCUIT  
 CASE NO.: 09-CP-10-5799

**FILED**  
 2014 JUN 30 PM 3:14  
 JULIE M. HONG  
 CLERK OF COURT  
 BY 2

**ORDER ON JUDGMENT  
 CREDITOR'S MOTION FOR A RULE  
 TO SHOW CAUSE AND ORDER OF  
 CONTEMPT**

This matter came before me on June 20, 2014. Present were counsel for the Petitioner, Katie Fowler Monoc, Esquire, and counsel for the Respondent, John R. Cantrell, Esquire and Vernee C. Hancock, Esquire. Also present was Lydia P. Davidson, Esquire, who represented Petitioner in the underlying matter.

The Petitioner/Judgment Creditor (hereinafter "Windswept") initiated these Supplemental Proceedings by a Motion to the Court on October 22, 2013 wherein Windswept sought to recover on its judgment against the Respondent/Judgment Debtor (hereinafter "Peery") in the amount of \$27,034.02 plus reasonable attorneys' fees, costs of collection, and interest at the legal rate from March 27, 2012, the date of judgment, until such time that all amounts owed are paid in full. An Order of Reference was executed by The Honorable R. Markley Dennis, Jr. on October 28, 2013 and filed on October 31, 2013. The Order of Reference required Peery to personally appear at the January 13, 2014 hearing on Supplemental Proceedings as well as to provide documents set forth in the Order. Although service had not been effected as of the



January 13, 2014 hearing, Peery's attorney, John Cantrell, Esquire, appeared on her behalf that day.<sup>1</sup> At the hearing, it was determined that the base judgment amount owed by Peery (\$27,034.02) had been identified and was being held in trust for Elaine Peery at the law firm of Thurmond, Kirchner, Timbes & Yelverton, PA. The Court ordered that these Supplemental Proceedings be continued and that those funds held in trust remain in trust subject to this Court's jurisdiction until such further notice and Order from this Court.

Counsel for Windswept then attempted to obtain the discovery ordered in the Court's October 31, 2013 Order to no avail. For this reason, a second hearing on Supplemental Proceedings was held April 21, 2014. Peery was properly noticed yet failed to appear. Because Peery failed to comply with the ordered discovery and failed to appear at Supplemental Proceedings, Windswept filed a Motion for Rule to Show Cause and for an Order of Contempt. Although Counsel for Peery was properly served with Windswept's Motion, Peery was not personally served.

Notwithstanding, this Court has the inherent power to punish for contempt. Such power "is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders and writs of the courts, and consequently to the due administration of justice." Ex parte Cannon, 385 S.C. 643, 660-61, 685 S.E.2d 814, 824 (Ct. App. 2009).

Contempt results from the willful disobedience of a court order, and before a court may find a person in contempt, the record must clearly and specifically reflect the contemptuous conduct. A willful act is one ... done voluntarily and intentionally with the specific intent to do something the law forbids, or with the specific intent to fail to do something the law requires

---

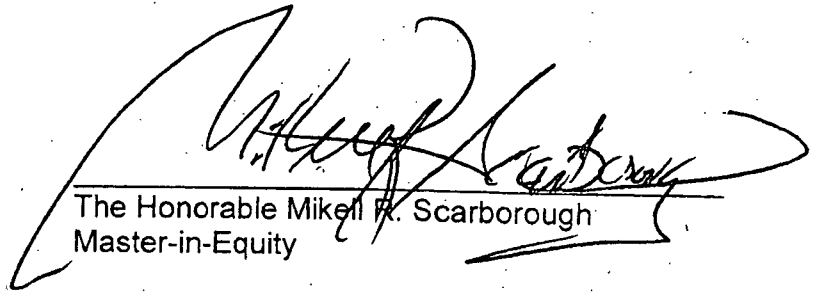
<sup>1</sup> An additional attorney, Vernee Hancock, Esquire, appeared on behalf of Peery on March 20, 2014.

to be done; that is to say, with bad purpose either to disobey or disregard the law.

Id. (internal citations omitted). The record demonstrates that Peery failed to comply with the Court-ordered discovery and failed to personally appear at Supplemental Proceedings to answer questions under oath as ordered by the Court. Nor did she or her counsel cooperate with Windswept's counsel to submit to a deposition. Peery and her counsel specifically failed to do what the law required to be done – namely, to participate in discovery and Supplemental Proceedings. I find that Peery has been on notice of these proceedings and the applicable discovery requests set forth in the Court's October 31, 2013 Order since late 2013 yet has failed to comply with the same and has failed to appear at a single hearing. For these reasons, I find that Peery is in contempt of Court and subject to sanctions; specifically, Peery's contempt provides an additional ground for the Judgment Creditor to recover reasonable attorneys' fees and costs (previously awarded in this Court's Order on Supplemental Proceedings on other grounds).

**An additional hearing on the matter shall be set for August 29, 2014 at 10 a.m. The Judgment Creditor is to personally serve the Judgment Debtor, Elaine Peery, with notice of the August 29, 2014 hearing wherein Peery must show cause as to why she failed to appear at these Supplemental Proceedings and respond to discovery as required by the Court's October 31, 2013 Order. Should Elaine Peery fail to appear at the August 29, 2014 10 a.m. hearing, she will be subject to arrest and imprisonment.** The Court will at that time also rule on additional attorneys' fees and costs that may be owed by Peery.

IT IS SO ORDERED!



The Honorable Mikel R. Scarborough  
Master-in-Equity

This 26<sup>th</sup> day of June, 2014  
Charleston, South Carolina

**NOTICE OF APPEAL IN A CIVIL CASE**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2010-CP-10-5799

Windswept Villas III  
Horizontal Property Regime,

Respondent,

v.

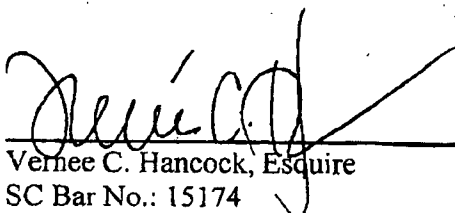
Elaine Devlin Peery a/k/a,  
Elaine D. Peery,

Appellant.

**NOTICE OF APPEAL**

Elaine D. Peery appeals the written orders and judgment of the Honorable Mikell R. Scarborough dated June 26, 2014. Appellant received written notice of entry of this written order and judgment on July 3, 2014.

July 17, 2014.

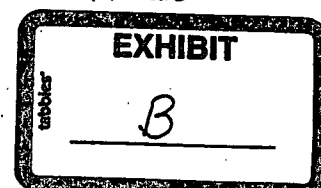
  
Vernee C. Hancock, Esquire  
SC Bar No.: 15174  
Post Office Box 2276  
Summerville, South Carolina 29484  
(843) 851-1476  
Attorney for Appellant

Other Counsel of Record:  
Katie Fowler Monoc  
PO Drawer 22247  
Charleston, South Carolina 29413-2247  
Attorney for Respondent  
(843) 727-2244

**RECEIVED**

JUL 25 2014

**SC Court of Appeals**



72994



January 13, 2014 hearing, Peery's attorney, John Cantrell, Esquire, appeared on her behalf that day.<sup>1</sup> At the hearing, it was determined that the base judgment amount owed by Peery (\$27,034.02) had been identified and was being held in trust for Elaine Peery at the law firm of Thurmond, Kirchner, Timbes & Yelverton, PA. The Court ordered that these Supplemental Proceedings be continued and that those funds held in trust remain in trust subject to this Court's jurisdiction until such further notice and Order from this Court.

Counsel for Windswept then attempted to obtain the discovery ordered in the Court's October 31, 2013 Order to no avail. For this reason, a second hearing on Supplemental Proceedings was held April 21, 2014. Peery was properly noticed yet failed to appear. Because Peery failed to comply with the ordered discovery and failed to appear at Supplemental Proceedings, Windswept filed a Motion for Rule to Show Cause and for an Order of Contempt. Although Counsel for Peery was properly served with Windswept's Motion, Peery was not personally served.

Notwithstanding, this Court has the inherent power to punish for contempt. Such power "is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders and writs of the courts, and consequently to the due administration of justice." Ex parte Cannon, 385 S.C. 643, 660-61, 685 S.E.2d 814, 824 (Ct. App. 2009):

Contempt results from the willful disobedience of a court order, and before a court may find a person in contempt, the record must clearly and specifically reflect the contemptuous conduct. A willful act is one ... done voluntarily and intentionally with the specific intent to do something the law forbids, or with the specific intent to fail to do something the law requires

---

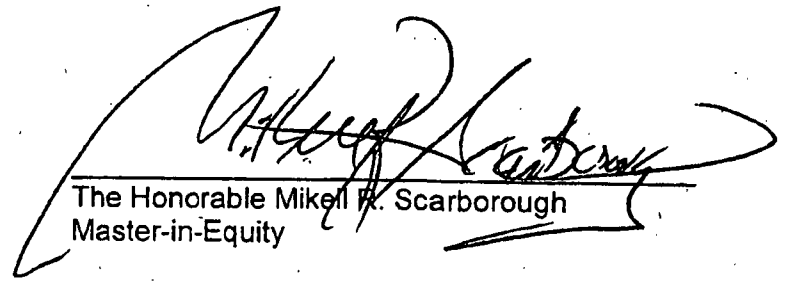
<sup>1</sup> An additional attorney, Vernee Hancock, Esquire, appeared on behalf of Peery on March 20, 2014.

to be done; that is to say, with bad purpose either to disobey or disregard the law.

Id. (internal citations omitted). The record demonstrates that Peery failed to comply with the Court-ordered discovery and failed to personally appear at Supplemental Proceedings to answer questions under oath as ordered by the Court. Nor did she or her counsel cooperate with Windswept's counsel to submit to a deposition. Peery and her counsel specifically failed to do what the law required to be done – namely, to participate in discovery and Supplemental Proceedings. I find that Peery has been on notice of these proceedings and the applicable discovery requests set forth in the Court's October 31, 2013 Order since late 2013 yet has failed to comply with the same and has failed to appear at a single hearing. For these reasons, I find that Peery is in contempt of Court and subject to sanctions; specifically, Peery's contempt provides an additional ground for the Judgment Creditor to recover reasonable attorneys' fees and costs (previously awarded in this Court's Order on Supplemental Proceedings on other grounds).

**An additional hearing on the matter shall be set for August 29, 2014 at 10 a.m. The Judgment Creditor is to personally serve the Judgment Debtor, Elaine Peery, with notice of the August 29, 2014 hearing wherein Peery must show cause as to why she failed to appear at these Supplemental Proceedings and respond to discovery as required by the Court's October 31, 2013 Order. Should Elaine Peery fail to appear at the August 29, 2014 10 a.m. hearing, she will be subject to arrest and imprisonment.** The Court will at that time also rule on additional attorneys' fees and costs that may be owed by Peery.

IT IS SO ORDERED!



The Honorable Mikel R. Scarborough  
Master-in-Equity

This 26<sup>th</sup> day of June, 2014  
Charleston, South Carolina

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2010-CP-10-5799

Windswept Villas III  
Horizontal Property Regime,

Respondent,

v.

Elaine Devlin Peery a/k/a,  
Elaine D. Peery,

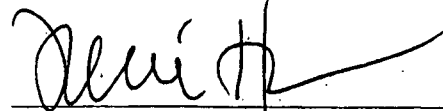
Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Respondent Windswept Villas III Horizontal Property Regime and the Clerk of the Trial Court by mailing a copy by first class mail, postage paid to the attorney for Respondent Windswept Villas III Horizontal Property Regime and the Clerk of the Trial Court:

Counsel of Record:  
Katie Fowler Monoc  
PO Drawer 22247  
Charleston, South Carolina 29413-2247  
Attorney for Respondent  
(843) 727-2244

Honorable Julie J. Armstrong  
Charleston County Clerk of Court  
100 Broad Street, Suite 106  
Charleston SC 29401



Vernee C. Hancock, Esquire  
Post Office Box 2276  
Summerville, South Carolina 29484  
Telephone - (843) 851-1476  
Telecopier - (843) 851-0183  
[hancocklawfirm@gmail.com](mailto:hancocklawfirm@gmail.com)  
Attorney for Appellant

July 22, 2014

**RECEIVED**

JUL 25 2014

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

Mikell R. Scarborough, Master-in-Equity

Case No. 2010-CP-10-5799

Windswept Villas III  
Horizontal Property Regime,

Respondent,

v.

Elaine Devlin Peery a/k/a,  
Elaine D. Peery,

Appellant.

**RECEIVED**

JUL 25 2014

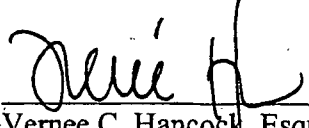
**SC Court of Appeals**

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Respondent Windswept Villas III Horizontal Property Regime and the Clerk of the Trial Court by mailing a copy by first class mail, postage paid to the attorney for Respondent Windswept Villas III Horizontal Property Regime and the Clerk of the Trial Court:

Counsel of Record:  
Katie Fowler Monoc  
PO Drawer 22247  
Charleston, South Carolina 29413-2247  
Attorney for Respondent  
(843) 727-2244

Honorable Julie J. Armstrong  
Charleston County Clerk of Court  
100 Broad Street, Suite 106  
Charleston SC 29401

  
Vernee C. Hancock, Esquire  
Post Office Box 2276  
Summerville, South Carolina 29484  
Telephone - (843) 851-1476  
Telecopier - (843) 851-0183  
[hancocklawfirm@gmail.com](mailto:hancocklawfirm@gmail.com)  
Attorney for Appellant

July 22, 2014



# Vernee C. Hancock

Telephone: (843) 851-1476

Attorney at Law

Fax: (843) 851-0183

Post Office Box 2276, Summerville, South Carolina 29484

Vernee C. Hancock, Esq.

E-Mail: [hancocklawfirm@gmail.com](mailto:hancocklawfirm@gmail.com)

July 17, 2014

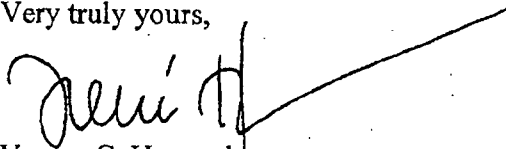
Katie F. Monoc, Esquire  
Pratt-Thomas Walker  
P.O. Drawer 22247  
Charleston, SC 29413-2247

Re: Windswept Villas III Horizontal Property Regime v. Elaine Devlin Peery a/k/a Elaine D. Peery  
Case No. 2010-CP-10-5799

Dear Katie:

Enclosed please find the Notice of Appeal in the above matter which I hereby serve upon you.

Very truly yours,

  
Vernee C. Hancock

VCH/nac  
Enclosures (as stated)

### CERTIFICATE OF SERVICE

I certify that on this date a copy of the foregoing was served on each party or counsel of record by  U.S. Mail,  emailing,  facsimile, or  hand delivery in the manner prescribed by the applicable Rule of Civil Procedure.

This 17<sup>th</sup> day of July, 2014

Law Office of Vernee Hancock

BY: 

**RECEIVED**

JUL 25 2014

SC Court of Appeals



*Vernee C. Hancock*

*Attorney at Law*

Post Office Box 2276  
Summerville, South Carolina 29484

Telephone: (843) 851-1476  
Fax: (834) 851-0183  
E-Mail: [HVERNEE@aol.com](mailto:HVERNEE@aol.com)

July 22, 2014

The Honorable Jenny Abbott Kitchings  
South Carolina Court of Appeals  
Post office Box 11629  
Columbia SC 29211

Re: Windswept Villas III Horizontal Property Regime vs. Elaine Devlin Peery  
Case No.: 2009-DR-10-5799

Dear Ms. Kitchings:

Please find enclosed the original and two (2) copies of Proof of Service, Notice of Appeal and Certificate of Service dated July 17, 2014, and served upon Katie Fowler Monoc as attorney for Windswept Villas III Horizontal Property Regime. Also enclosed is our check for the filing fee of \$100.00, along with the following Orders regarding this case: Order on Judgment Creditor's Motion for Rule to Show Cause and Order for Contempt, and Order on Supplemental Proceedings. An Order on Judgment Debtor's Motion to Vacate should be enclosed, but it apparently has not been signed and/or filed, and has not been provided by opposing counsel, as of this date. That Order will be forthcoming when it has been served upon me by Katie Fowler Monoc. Please file the original and return two (2) stamped copies to me in the enclosed envelope.

Very truly yours,

Vernee C. Hancock

VCH/nac  
Enclosures -- as stated.

Cc: Katie Fowler Monoc, Esq. (w/encl.)  
Hon. Julie J. Armstrong (w/encl.)

**RECEIVED**

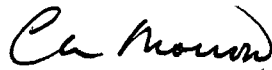
JUL 25 2014

**SC Court of Appeals**

CERTIFICATE OF SERVICE

I hereby certify that I have served a true copy of the Respondent's Memorandum Addressing Appealability by mailing a copy, United States First Class, to the following counsel/parties, in accord with applicable Rules of Civil Procedure on this 8<sup>th</sup> day of August, 2014:

Vernee C. Hancock, Esq.  
P.O. Box 2276  
Summerville, SC 29484



---

Chris Morrow  
Paralegal to Katie Fowler Monoc

**RECEIVED**

AUG 11 2014

**SC Court of Appeals**

# The South Carolina Court of Appeals

Windswept Villas III Horizontal Property Regime,  
Respondent,

v.

Elaine Devlin Peery a/k/a Elaine D. Peery, Appellant.

Appellate Case No. 2014-001635

The Honorable Mikell R. Scarborough  
Charleston County  
Trial Court Case No. 2009CP1005799

**RECEIVED**

AUG 15 2014

**SC Court of Appeals**

---

## ORDER

---

Appellant has requested clarification regarding the memorandum of appealability and request an extension for serving and filing the memorandum. The Order on Judgment Creditor's Motion for a Rule to Show Cause and Order of Contempt is the only order received by the Court of Appeals. The time for serving and filing the memorandum of appealability is hereby extended until August 21, 2014.

FOR THE COURT

BY V. Claire Allen, Deputy  
CLERK

Columbia, South Carolina

cc:

Vernee Chnita Hancock, Esquire  
Kathleen Fowler Monoc, Esquire

**FILED**

12 AUG 2014

**EXHIBIT**

G

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
The Honorable Mikell R. Scarborough, Master-in-Equity

---

Appellate Case No. 2014-001635

---

Windswept Villas III Horizontal Property Regime .....Respondent,

v.

Elaine Devlin Peery a/k/a Elaine D. Peery .....Appellant.

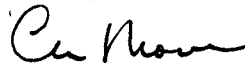
---

**PROOF OF SERVICE**

---

I hereby certify that I have served a true copy of the Respondent's Motion to Recognize the Master in Equity's Continuing Jurisdiction by mailing a copy, United States First Class, to the following counsel/parties, in accord with applicable Rules of Civil Procedure on this 14<sup>th</sup> day of August, 2014:

Vernee C. Hancock, Esq.  
P.O. Box 2276  
Summerville, SC 29484



---

Chris Morrow  
Paralegal to Katie Fowler Monoc

**RECEIVED**  
AUG 15 2014  
SC Court of Appeals

PROFESSIONAL ASSOCIATION

16 CHARLOTTE STREET  
CHARLESTON, SC 29403

PO DRAWER 22247  
CHARLESTON, SC 29413-2247

PHONE: 843.727.2200  
FAX: 843.727.2238

WWW.P-TW.COM

(843) 727-2244 (direct dial)  
(843) 727-2239 (fax)  
kfm@p-tw.com (e-mail)

E. DOUGLAS PRATT-THOMAS

G. TRENHOLM WALKER

W. ANDREW GOWDER, JR.

JON L. AUSTEN

LINDSAY K. SMITH-YANCEY (SC, NC)

THOMAS H. HESSE (SC, GA)

IAN W. FREEMAN (SC, CA)

DANIEL S. McQUEENEY, JR.

KATHLEEN FOWLER MONOC

JOHN P. LINTON, JR.

OF COUNSEL

THOMAS P. GRESSETTE, JR. (SC, USVI)

August 14, 2014

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

RE: Windswept Villas III Horizontal Property Regime v. Elaine Devlin Peery  
Appellate Case No. 2014-001635

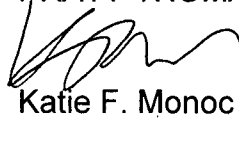
Dear Ms. Kitchings:

Please find enclosed the original and six copies of Respondent's Motion to Recognize the Master in Equity's Continuing Jurisdiction in the above referenced matter. Please file the original and return a stamped copy to us in the enclosed envelope.

Please contact me if you have any questions. Thank you for your many courtesies in these regards.

Yours very truly,

PRATT-THOMAS WALKER, P.A.



Katie F. Monoc

KFM\cam  
Enclosures (As noted)  
cc: Vernee C. Hancock, Esq. (w/encl.)

**RECEIVED**

AUG 15 2014

**SC Court of Appeals**