

5

WOMBLE
CARLYLE
SANDRIDGE
& RICE
A LIMITED LIABILITY
PARTNERSHIP



5 Exchange Street
Charleston, SC 29401

Mailing Address:
Post Office Box 999
Charleston, SC 29402
Telephone: (843) 722-3400
Fax: (843) 723-7398
www.wcsr.com

F. CORDES FORD IV
ATTORNEY AT LAW
E-Mail: cford@wcsr.com
Direct Dial: (843) 720-4631

December 19, 2014

RECEIVED

DEC 23 2014

SC Court of Appeals

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: *Jasper County v. The Settings of Mackay Point, LLC and Bond
Safeguard Insurance Company*
Appellate Case No. 2014-002609
WCSR File No. 85369.0000.0

Dear Ms. Kitchings:

I am writing in response to a December 11, 2014 letter from the Clerk's office stating that Bond Safeguard Insurance Company's appeal is deficient because its notice of appeal did not include a copy of the order being appealed. I perceive the letter as referring to the requirement in Rule 203(d)(1)(B)(ii), SCACR, that the appellant must provide the Court a copy of the order being appealed, if it has been reduced to writing. Please note that Bond Safeguard did not attach such a copy because a formal order has not yet been reduced to writing. Instead, we attached a copy of an email from Judge Murphy's law clerk announcing the decision Bond Safeguard has appealed. As of now, that is the only written version of the order. Thus, I do not believe Bond Safeguard's appeal has a deficiency.

The email indicated that Judge Murphy would put her ruling on the record at the trial of this matter, which was scheduled to begin on December 10. However, due to the unusual circumstances present in the case, Bond Safeguard needed to appeal before trial. Relying on the last sentence of Rule 203(b)(1) and on *Doe v. Berkeley Publishers*, 322 S.C. 307, 314-15, 471 S.E.2d 731, 735 (Ct. App. 1996), *rev'd on other grounds*, 329 S.C. 412, 496 S.E.2d 636 (1998), Bond Safeguard proceeded to file and serve its notice of appeal, and then Judge Murphy could issue a more complete written ruling at a later date. Once that happened, we would follow the Chief Justice's guidance on page 121 of *Appellate Practice in South Carolina* by filing and serving an amended notice of appeal that would include a copy of the order.

Checking the online docket this morning, it does not appear that a further order from Judge Murphy has been entered yet. Once that happens and we obtain a copy of the order, we will file it as part of an amended notice of appeal.



Please let me know if you have any questions or require anything further.

Very truly yours,

WOMBLE CARLYLE SANDRIDGE & RICE, LLP

A handwritten signature in black ink, appearing to read "F. Cordes Ford IV". The signature is fluid and cursive.

F. Cordes Ford IV

FCF

Cc: The Honorable Maité Murphy
David S. Cobb, Esq.