

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE OCONEE COUNTY
Court of Common Pleas
The Honorable Alexander S. Macaulay
TENTH JUDICIAL CIRCUIT COURT JUDGE

RECEIVED

FEB 23 2015

SC Court of Appeals

CIVIL ACTION NO. 2009-CP-37-00652

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 situatedPlaintiffs

IMK Development Co., LLC, Keowee Townhouses, LLC, Ludwig Corporation, LLC, SDI Funding, LLC, Medallion at Keowee, LLC, Bradford D. Seckinger, John Ludwig, Larry D. Lollis, William C. Cox, Integrys Keowee Development, LLC, Marick Home Builders, LLC, M Group Construction and Development, LLC, Bostic Brothers Construction, Inc., Rick Thoennes, Mel Morris, Joe Bostic, Jeff Bostic, 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., Southern Basements, Inc., MJG Construction and Homebuilders, Inc. d/b/a MJG Construction, KMAC, Inc., d/b/a KMAC North Carolina, Eufacio Garcia, Everado Jarmamillo, Garcia Parra Insulation, Inc., J&J Construction, Jose Nino, Jose Manuel Garcia, Eason Construction, Inc., Vincent Morales d/b/a Morales Masonry, Miller/Player & Associates, Southern Stone, Inc., and Buck Smith Construction..... Defendants

Of Defendants, IMK Development Co., LLC, Integrys Keowee Development, LLC, William C. Cox and Larry D. Lollis..... Appellants

Stoneledge at Lake Keowee Owners' Association, Inc.....Respondent

NOTICE OF APPEAL

IMK Development Co., LLC, Integrys Keowee Development, LLC, William C. Cox, and Larry D. Lollis (“Appellants”) appeal those certain Orders of the Honorable Alexander S. Macaulay attached hereto:

- 1) Order Granting Leave to File Third Amended Complaint filed March 29, 2012;
- 2) Form 4 Order Denying Defendants Cox and Lollis’s Motions for Summary Judgment filed July 25, 2013;
- 3) Order Granting Summary Judgment as to Defendants Marick Home Builders, LLC and Rick Thoennes as to Cross Claims from Integrys Keowee Development, LLC, IMK Development Co., LLC, Larry D. Lollis, and William C. Cox filed October 21, 2013;
- 4) Final Judgment, Jury Verdict Form, and Apportionment Form filed November 8, 2013;
- 5) Order filed January 22, 2015 Denying Defendants Marick Home Builders, LLC, Rick Thoennes, IMK Development Co., LLC, Integrys Keowee Development, LLC, William C. Cox and Larry D. Lollis’s Post-Trial Motions. Appellants received written notice of the entry of this Order on January 24, 2015 and attach all prior orders pursuant to, *inter alia*, S.C. Code Ann. § 14-3-330; and
- 6) Form 4 Judgment filed January 30, 2015 (“Amended Judgment”) amending prior Form 4 Judgment filed November 8, 2013, by its terms backdated to the filing date of the November 8, 2013 Judgment.¹ Appellants received written notice of the entry of this Amended Judgment on February 4, 2015.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

¹ Appellants have, out of an abundance of caution, filed a Motion to Reconsider such January 30, 2015 Amended Judgment with the trial court, to the extent such Amended Judgment represents a new and different ruling from its prior orders. However, Appellants are simultaneously effecting this appeal, based on the language of said January 30, 2015 Amended Judgment that “[t]his order hereby amends the prior Form 4C Order filed on November 8, 2013” and “this judgment shall be backdated to the filing date of the original Form 4C Order, November 8, 2013,” which may be interpreted as language merging said Amended Judgment with prior Judgment which is the subject of a motion to reconsider that has been denied.

February 19, 2015
Greenville, South Carolina



Cynthia Buck Brown, SC Bar No. 66172
R. Patrick Smith, SC Bar No. 68270
HARPER, LAMBERT & BROWN, P.A.
PO Box 908 (29602)
420 E. Park Ave., Suite 220
Greenville, SC 29601
Phone: 864-235-5535
Fax: 864-235-6866
E-mail: cbrown@hlblegal.com
psmith@hlblegal.com
*Attorneys for Appellants IMK Development
Co., LLC, Integrys Keowee Development,
LLC, William C. Cox and Larry D. Lollis*

Other Counsel of Record:
Robert T. Lyles, Jr.
LYLES & LYLES, LLC
P.O. Box 773
Charleston, SC 29401
Phone: 843-577-7730
E-mail: rtl@lylesfirm.com
*Attorney for Respondent, Stoneledge at
Lake Keowee Owners' Association, Inc.*

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THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM THE OCONEE COUNTY
Court of Common Pleas
The Honorable Alexander S. Macaulay
TENTH JUDICIAL CIRCUIT COURT JUDGE

RF

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SC Court of Appeals

CIVIL ACTION NO. 2009-CP-37-00652

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 situatedPlaintiffs

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Of Defendants, IMK Development Co., LLC, Integrys Keowee Development, LLC, William C. Cox and Larry D. Lollis..... Appellants

Stoneledge at Lake Keowee Owners' Association, Inc.....Respondent

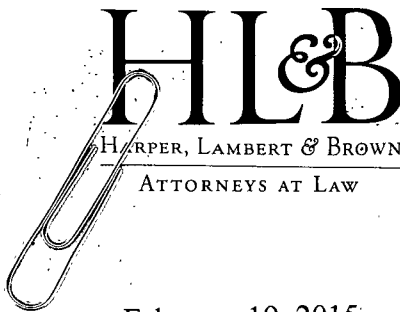
PROOF OF SERVICE

This is to certify that Appellants IMK Development Co., LLC, Integrys Keowee Development, LLC, William C. Cox and Larry D. Lollis's *Notice of Appeal with Exhibits 1-6* was served on Respondent in the above-referenced case by placing a copy of said document in the United States Mail on this the 19th day of February, 2015, addressed as follows:

Robert T. Lyles, Jr.
LYLES & LYLES, LLC
PO Box 773
Charleston, SC 29401
*Attorney for Respondent, Stoneledge at
Lake Keowee Owners' Association, Inc.*



Cynthia Buck Brown, SC Bar No. 66172
R. Patrick Smith, SC Bar No. 68270
HARPER, LAMBERT & BROWN, P.A.
PO Box 908 (29602)
420 E. Park Ave., Suite 220
Greenville, SC 29601
Phone: 864-235-5535
Fax: 864-235-6866
E-mail: cbrown@hlblegal.com
psmith@hlblegal.com
*Attorneys for Appellants IMK Development
Co., LLC, Integrys Keowee Development,
LLC, William C. Cox and Larry D. Lollis*



R. Patrick Smith
Attorney at Law
psmith@hlblegal.com

February 19, 2015

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

RECEIVED

FEB 23 2015

SC Court of Appeals

Re: *Notice of Appeal from Oconee County Court of Common Pleas*
C.A. No. 2009-CP-37-652

IMK Development Co., LLC, Integrys Keowee Development, LLC,
William C. Cox and Larry D. Lollis, Appellants

Stoneledge at Lake Keowee Owners' Association, Inc., Respondent

Dear Ms. Kitchings:

Enclosed for filing on behalf of the above-enumerated Appellants with regard to the above-referenced matter, please find the following:

1. Notice of Appeal with Exhibits 1 – 6;
2. Proof of Service of Notice of Appeal on the Respondent;
3. Cover letter accompanying Notice of Appeal with Exhibits 1 – 6 to Oconee County Clerk of Court; and
4. This firm's check in the amount of \$100.00.

We have also included extra copies of the Notice of Appeal and Proof of Service and would appreciate you returning these copies, filed-stamped, to me in the envelope provided for your convenience. Should you have any questions, please do not hesitate to contact me at your earliest convenience.

Sincerely,

HARPER, LAMBERT & BROWN, P.A.

R. Patrick Smith

RPS:bb

Enclosures

cc: Robert T. Lyles, Jr., Esq. (via U.S. mail and e-mail, w/encs.)

HL&B
HARPER, LAMBERT & BROWN
ATTORNEYS AT LAW

R. Patrick Smith
Attorney at Law
psmith@hlblegal.com

February 19, 2015

The Honorable Beverly H. Whitfield
Oconee County Clerk of Court
PO Box 678
Walhalla, SC 29691

*Re: Stoneledge at Lake Keowee Owners' Association, Inc., et al. v.
IMK Development Co., LLC, et al.
C.A. No. 2009-CP-37-652*

Dear Ms. Whitfield:

Enclosed please find for filing are the Notice of Appeal with Exhibits 1 – 6 and Proof of Service in the above-referenced matter. Please return clocked copies to me in the envelope provided for your convenience. Should you have any questions, please do not hesitate to contact me at your earliest convenience.

Sincerely,

HARPER, LAMBERT & BROWN, P.A.



R. Patrick Smith

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SC Court of Appeals

RPS:bb

Enclosures

cc: The Honorable Jenny Abbott Kitchings (via U.S. mail, letter only)
Robert T. Lyles, Jr., Esq. (via e-mail only, w/encs.)

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HARPER, LAMBERT & BROWN, P.A.
Post Office Box 908
Greenville, South Carolina 29602

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

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