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THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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FEB 24 2015  
SC Court of Appeals

APPEAL FROM OCONEE COUNTY  
Court of Common Pleas

Alexander S. Macaulay, Presiding Judge Seventh Judicial Circuit

Case No. 2009-CP-37-652

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 situated.....Plaintiffs

IMK Development Co., LLC, Keowee Townhouses, LLC, Ludwig Corporation, LLC, SDI Funding, LLC, Medallion at Keowee, LLC, Integrys Keowee Development, LLC, Marick Home Builders, LLC, Bostic Brothers Construction, Inc., Miller/Player & Associates, John Ludwig, 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., MJG Construction and Homebuilders, Inc. d/b/a MJG Construction, KMAC of the Carolinas, Inc., Eufacio Garcia, Everado Jarmamillo, Garcia Parra Insulation, Inc., J&J Construction, Jose Nino, Jose Manuel Garcia, Eason Construction, Inc., and Vincent Morales d/b/a Morales Masonry/Player & Associates, .....Defendants

Of Defendants, Marick Home Builders, LLC and Rick Thoennes .....Appellants,

Of Plaintiffs, 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 situated.....Respondents

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NOTICE OF APPEAL

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Marick Home Builders, LLC and Rick Thoennes ("Appellants") appeal those certain Order of the Honorable Alexander S. Macaulay attached hereto:

1. Final Judgment, Jury Verdict Form, and Apportionment form filed November 8, 2013;
2. Order filed January 22, 2015 Denying Defendants Marick Home Builders, LLC, Rick Thoennes, IMK Development Co., LLC, Integrys Keowee, LLC, William C. Cox and Larry D. Lollis' Post-Trial Motions. Appellants received written notice of entry of this Order on January 24, 2015 and attached all prior orders pursuant to, *inter alia*, SC Code Ann. § 14-3-330; and
3. Form 4 Judgment filed January 30, 2015 ("Amended Judgment") amending prior Form 4 Judgment filed November 8, 2013 Judgment.<sup>1</sup> Appellants received written notice of the entry of this Amended Judgment on February 4, 2015.

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Jason M. Imhoff (S.C. Bar #: 69355)  
Chad M. Graham  
The Ward Law Firm, P.A.  
P.O. Box 5663  
Spartanburg, SC 29304  
Telephone (864) 582-3075  
Facsimile (864) 585-3090  
ATTORNEYS FOR THE APPELLANTS

February 20, 2015

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<sup>1</sup> Appellants have, out of an abundance of caution, filed a Motion to Reconsider such January 30, 2015 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.

RESPONDENTS' COUNSEL OF RECORD:

Robert T. Lyles, Jr., Esquire  
Lyles & Lyles, LLC  
P. O. Box 773  
Charleston, SC 29401  
843-577-7730  
*Attorneys for Respondents*

Cynthia Buck Brown, Esquire  
R. Patrick Smith, Esquire  
Harper, Lambert & Brown, PA  
PO Box 908  
Greenville, SC 29601  
864-235-5535

-and-

Wallace K. Lightsey, Esquire  
Wyche Burgess Freeman & Parham, PA  
PO Box 728  
Greenville, SC 29602  
864-242-8207

*Attorney for IMK Development Co., LLC, Integrys Keowee Development, LLC, William C. Cox,  
and Larry Lollis*

Alan Belcher, Esquire  
Hall Booth Smith, PC  
40 Calhoun Street, Suite 550  
Charleston, SC 29401  
843-720-3460  
*Attorney for Bostic Brother Construction*

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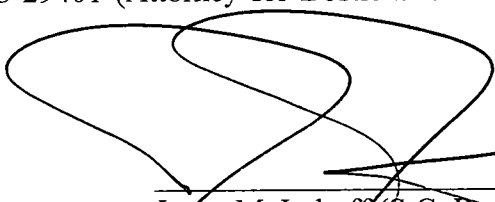
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.....Defendants

Of Defendants, Marick Home Builders, LLC and Rick Thoennes .....Appellants,

Of Plaintiffs, 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 situated.....Respondents

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on Respondents by depositing a copy of it in the United States Mail, First Class postage prepaid, on February \_\_\_\_\_, 2015, addressed to Respondents' attorneys of record, Robert T. Lyles, Jr., Esquire, Lyles & Lyles, LLC, PO Box 773, Charleston, SC 29401 (attorney for Plaintiffs), Cynthia Buck Brown, Esquire and R. Patrick Smith, Esquire, Harper Lambert & Brown, PA, PO Box 908, Greenville, SC 29601 AND Wallace K. Lightsey, Esquire Wyche Burgess Freeman & Parham, PA, PO Box 728, Greenville, SC 29602 (attorney for IMK Development Co., LLC, Integrys Keowee Development, LLC, William C. Cox, and Larry Lollis), Alan Belcher, Esquire, Hall Booth Smith, PC, 40 Calhoun Street, Suite 550, Charleston, SC 29401 (Attorney for Bostic Brother Construction) Copies of the Orders are attached hereto.



Jason M. Imhoff (S.C. Bar #: 69355)  
Chad M. Graham  
The Ward Law Firm, P.A.  
P.O. Box 5663  
Spartanburg, SC 29304  
Telephone (864) 582-3075  
Facsimile (864) 585-3090  
ATTORNEYS FOR THE APPELLANTS

February 20, 2015

RESPONDENTS' COUNSEL OF RECORD:

Robert T. Lyles, Jr., Esquire  
Lyles & Lyles, LLC  
P. O. Box 773  
Charleston, SC 29401  
*Attorneys for Respondents*

Cynthia Buck Brown, Esquire  
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Wallace K. Lightsey, Esquire  
Wyche Burgess Freeman & Parham, PA  
PO Box 728  
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*Attorney for IMK Development Co., LLC, Integrys Keowee Development, LLC, William C. Cox,  
and Larry Lollis*

Alan Belcher, Esquire  
Hall Booth Smith, PC  
40 Calhoun Street, Suite 550  
Charleston, SC 29401  
843-720-3460

*Attorney for Bostic Brother Construction*

**THE WARD LAW FIRM, P.A.**

ATTORNEYS AT LAW  
POST OFFICE BOX 5663  
SPARTANBURG, SOUTH CAROLINA 29304

JAMES W. HUDGENS#  
GENE ADAMSG  
H. SPENCER KINGG  
ROBERT E. DAVIS\*  
JASON M. IMHOFF  
JOHN E. ROGERS, II\*  
C. REED TEAGUE  
CHAD M. GRAHAM

#RETIRED  
G CERTIFIED MEDIATOR  
\*ALSO MEMBER NORTH CAROLINA BAR

RUFUS M. WARD (1908-1988)  
L. PAUL BARNES (1931-1986)

233 SOUTH PINE STREET  
SPARTANBURG, S. C. 29302  
OFFICE NO. (864) 573-8500  
FAX NO. (864) 585-3090

E-mail: jimhoff@wardfirm.com  
Direct No. 864-582-3075

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SC Court of Appeals

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11639  
Columbia, SC 29211

**Re: Stoneledge at Lake Keowee Owners' Association, Inc., et al. vs. IMK  
Development Co., LLC, et al. vs. Michael Franz, et al.  
Oconee County Case Number: 2009-CP-37-652**

Dear Ms. Kitchings,

Enclosed for filing with regard to the above-referenced matter, please find the following:

1. Notice of Appeal (with Exhibit "A");
2. Proof of Service of the Notice of Appeal on the Respondents; and
3. This firm's check in the amount of \$100.00 for the filing fee.

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

Thank you for your time and consideration.

Sincerely,

The Ward Law Firm, PA

Jason M. Imhoff

JMI/ads  
Enclosure

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
February 20, 2015  
Page 2

Cc: Robert T. Lyles, Jr., Esquire  
Alan Belcher, Esquire  
Ms. Beverly H. Whitefield

The Honorable Alexander S. Macaulay  
Cynthia Buck Brown, Esquire