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MAR 04 2015

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHARLESTON )  
 )  
 Belle Hall Plantation Homeowner's )  
 Association, Inc. )  
 )  
 Plaintiff, )  
 )  
 )  
 John A Murray, Trustee of John E. Murray )  
 Gloria C. Murray Family Trust, )  
 )  
 )  
 Defendants. )  
 )  
 \_\_\_\_\_ )

COURT OF COMMON PLEAS  
 NINTH JUDICIAL CIRCUIT  
**SC Court of Appeals**  
 CASE NO. 2013-CP-10-4248

BY  
 MASTER'S  
 AMENDED ORDER

FILED  
 2015 FEB 10 AM 9:02  
 JULIE J. ARMSTRONG  
 CLERK OF COURT

This matter came to hearing on August 18th, 2014. Amanda Reece, Esquire, appeared on behalf of the Defendant. Ainsley Willis, Esquire, appeared on behalf of the Plaintiff. David Conor Keys, Esquire, appeared on behalf of the Third Party Purchasers, David Conor Keys and Karen Keys. The Defendant, by and through counsel's motion moved this Court pursuant to Rules 8 (f), 52 (a), 52 (b), 55 (c), 59 (a), 59 (e), 60 (b), and all other applicable rules of The South Carolina Rules of Civil Procedure to amend its Order dated July 22<sup>nd</sup>, 2014 to reflect its finding of facts and conclusions of law. The Defendant moved that the amended Order reflect conclusions of law under equitable principles, SCRPC 60 (b)(1), 60(b)(3), 60(b)(4), 60(b)(5), that service be declared defective, and for a ruling that the Third Party Purchasers are not Bona Fide Purchasers for Value.

**PROCEDURAL HISTORY** (See page 2)

On July 22<sup>nd</sup>, 2013 Plaintiff, a Homeowner's Association, filed this foreclosure action including a claimed amount of \$1,590.31. An Order for Service by Publication was granted by The Honorable Clerk of Courts of Charleston County on October 4<sup>th</sup>, 2014. Publication occurred on October 16<sup>th</sup>, 2013, October 23<sup>rd</sup>, 2013, and October 30<sup>th</sup>, 2013. Plaintiff filed an Affidavit of Default on December 17<sup>th</sup>,

2013. This Court held a final hearing on March 18<sup>th</sup>, 2014. The Defendant did not appear and the Court ruled in favor of the Plaintiff. This Court executed an Order of Foreclosure and Sale on April 4<sup>th</sup>, 2014 which was filed on April 8<sup>th</sup>, 2014. The property was sold at Master's Sale on May 6<sup>th</sup>, 2014. The Defendant, by and through counsel, served a Motion to Vacate the Judgment and Set Aside the Sale on May 16<sup>th</sup>, 2014 which was filed on May 19<sup>th</sup>, 2014. The purchase price was paid in full on May 16<sup>th</sup>, 2014. A Master's Deed was executed conveying title to Third Party Purchaser's David Conor Keys and Karen Keys on May 16<sup>th</sup>, 2014 and subsequently delivered to the same. The Deed was recorded by Third Party Purchasers on May 23<sup>rd</sup>, 2014. The Motion to Vacate was heard on July 3<sup>rd</sup>, 2014. This Court granted Defendant's motion on July 11<sup>th</sup>, 2014 and issued an Order Vacating the Judgment and Voiding the Master's Deed to Third Party Purchasers on July 22<sup>nd</sup>, 2014. Pursuant to that Order the Court made disbursements accordingly, including the payment tendered by the Defendant to the Court sufficient to pay the Plaintiff's claim, costs incurred by the Third Party Purchasers, and the Court's costs and commission. Additionally, the Court disbursed the amount tendered by the Third Party Purchaser for the successful bid of the property to the same. The Lis Pendens was cancelled and the case was dismissed without prejudice. The Order restoring title of the subject property to the Defendant was recorded in the RMC Office for Charleston County on August 14<sup>th</sup>, 2014.

At the hearing of August 18<sup>th</sup>, 2014 this Court granted the Defendant's Motion to the extent of this formal Amended Order, denied the Third Party Purchaser's Motions for Reconsideration, Motion to Stay Order Vacating Foreclosure and Sale and for Supersedeas, and further denied the Third Party Purchaser's in court Motion to Strike certain Affidavits. The Court executed that Order on August 20<sup>th</sup>, 2014 and now issues this referenced formal Amended Order. The Third Party Purchaser filed a subsequent motion for reconsideration on September 2<sup>nd</sup>, 2014 which this Court declined to hear and denied on September 17<sup>th</sup>, 2014.

*A While this court is aware this matter is now on appeal, and therefore may lack jurisdiction, the Aug 20, 2014 Order provided a "Final Order to Follow" and this Order provides the legal, factual & equitable basis for this court's ruling. (MS)*

**THIS COURT HEREBY AMENDS ITS JULY 22<sup>nd</sup>, 2014 ORDER TO INCLUDE THE  
FOLLOWING FACTS:**

- 1) Defendant, John A. Murray acquired title as Trustee by deed recorded October 26<sup>th</sup>, 2011, with the RMC for Charleston County;
- 2) Defendant's father John E. Murray held title jointly with his wife Gloria C. Murray prior to the October 26<sup>th</sup>, 2011 deed;
- 3) The October 26<sup>th</sup>, 2011 deed reflected the tax mailing address as 378 Jardinere Walk which is the property subject of this action ("Subject Property");
- 4) As evidenced by the sworn affidavit of Charleston County Auditor, Peter J. Tecklenburg, filed July 3<sup>rd</sup>, 2014, 1574 Hidden Bridge ("Hidden Bridge") reflected as the tax mailing address for the Subject Property in the public records and was available on line at [www.charlestoncounty.org](http://www.charlestoncounty.org) as of exactly March 15<sup>th</sup>, 2013 continuing through and until the recording of the Master's Deed to Third Party Purchasers in May of 2014;
- 5) Hidden Bridge was, at all times relevant to this action, the dwelling place of Defendant;
- 6) This action in foreclosure was filed July 22<sup>nd</sup>, 2013;
- 7) Plaintiff's Affidavit for Order of Publication dated September 25, 2013, incorporated by Exhibit, a Westlaw search showing the following five (5) possible Mount Pleasant addresses for John E. Murray, Defendant's now deceased father who is not a party to this action: 1.) 937 Bowman Road, Apt 261 ("Bowman"), 2.) the Subject Property, 3.) 3100 Tradition Circle, Apt 1144 ("Tradition Circle"), 4.) Hidden Bridge, and 5.) 1090 Loyalist Lane ("Loyalist Lane");
- 8) On July 27<sup>th</sup>, 2013, service on Defendant was duly attempted and not effected at Tradition Circle, an assisted living facility previously occupied by Defendant's then deceased father who is not a party to this action;

A handwritten signature in black ink, appearing to be 'MRS', enclosed within a hand-drawn oval shape.

- 9) On August 2<sup>nd</sup>, 2013, service on Defendant was duly attempted and not effected at the Subject Property, which was discovered by the process server to be occupied by tenants who reported not knowing the address of the Defendant;
- 10) On August 9<sup>th</sup>, 2013, service was duly attempted and not effected at "Bowman Road", an assisted living facility previously occupied by Defendant's then deceased father who is not a party to this action;
- 11) Plaintiff made no attempt to search Probate Court Records in spite of the fact that the Westlaw search reflected John E Murray's date of birth to be 1923;
- 12) The Probate Court Records for John E Murray, reflected the Defendant as his Personal Representative with the Hidden Bridge address;
- 13) Plaintiff did not attempt service at the fourth address, Hidden Bridge;
- 14) Plaintiff did not attempt service at the fifth address, Loyalist Lane;
- 15) As per Plaintiff's Affidavit for Order of Publication filed September 30<sup>th</sup>, 2013 it was "unable to ascertain the location of Defendant" citing as its due diligence the aforementioned Westlaw search of John E. Murray, Defendant's now deceased father, who is not a party to this action;
- 16) The Order of Publication was granted on October 4<sup>th</sup>, 2013, providing per statute that the Plaintiff was to mail a copy of the Summons to the Defendant's last known address;
- 17) Per Affidavit filed by Plaintiff's counsel on July 3<sup>rd</sup>, 2014 the last known address of the Defendant was Tradition Circle yet Plaintiff's Counsel mailed a copy of the Summons to Loyalist Lane which was not an address at which service was attempted;
- 18) The notice of the final hearing was mailed to the Subject Property and Loyalist Lane on March 3<sup>rd</sup>, 2014;
- 19) Publication occurred in the *Moultrie News*, on October 16<sup>th</sup>, 2013, October 23<sup>rd</sup>, 2013, and October 30<sup>th</sup>, 2013;
- 20) On December 27<sup>th</sup>, 2013 Defendant recorded a Quitclaim Deed conveying the interest in the property from the Defendant in his capacity as Trustee to himself individually;



- 21) Defendant attempted to contact Plaintiff's counsel upon posthumous discovery of the action and final hearing via email and phone on or about March 24<sup>th</sup>, 2014 to inquire as to the nature of the action and pay any amounts due under Plaintiff's claim;
- 22) Plaintiff's counsel could find no record of attempted contact at the July 3<sup>rd</sup>, 2014 hearing;
- 23) Defendant, at all relevant times, had the funds to pay the amounts due to the Plaintiff;
- 24) The property was auctioned at the Master's Sale to Third Party Purchasers David Conor Keys and Karen Keys on May 6<sup>th</sup>, 2014;
- 25) Per Third Party Purchaser's, David Conor Keys, Esquire's testimony at the August 18<sup>th</sup>, 2014 hearing, on May 16<sup>th</sup>, 2014 he "had knowledge (that the Defendant had retained Amanda Reece as counsel relative to this action)", on May 16<sup>th</sup>, 2014 he "received (Defendant's Motion to Vacate)", and on May 16<sup>th</sup>, 2014 he "also tendered the remainder of the money (to the Court)";
- 26) The Master's Deed vesting title to the Third Party Purchasers was executed on May 16<sup>th</sup>, 2014 and thereafter delivered to the Third Party Purchaser;
- 27) The Third Party Purchaser recorded the Master's Deed on May 23<sup>rd</sup>, 2014.

### **PERSUASIVE FACTS**

While the Court's decision is persuaded by the totality of facts in this case, it finds most disturbing and relevant certain facts. The Plaintiff, in spite of conducting a Westlaw Address search on a prior title holder and not the Defendant, had actual notice of Defendant's address. The Plaintiff had five possible addresses and attempted service at the first three, which included the tenant occupied property and two assisted living facilities. While that address search revealed the non party as having been born in 1923, Plaintiff did not attempt to serve the fourth address or the fifth address. The Plaintiff did not search Probate Court records. Efforts to provide notice simply ceased. The fourth address was the dwelling place of the Defendant and was not served. The Plaintiff did not mail the Summons to address last known to them pursuant to the Order of Publication and South Carolina Code § 15-9-740, but instead mailed it to the fifth address, an address at which service was not attempted.

This Court is further attendant to the fact that this is an action in foreclosure initiated by the Plaintiff, a Homeowner's Association with an original sum claimed in the Notice of Lien for \$1103.28 and is further aware that the property remained free of any mortgage or judgment liens.

The Court also notes, that the filing of the December, 2013 deed conveying interest from Defendant as Trustee to the Defendant individually, while not relevant to the issues of personal service, evidences that the Defendant had no actual notice of the action against him.

### EQUITY

Foreclosures of Homeowner's Association Liens are actions in equity. *Collier v. Green* 244 S.C. 367, 137 S.E.2d 277 (1964); *Hayne Federal Credit Union v. Bailey*, 327 S.C. 242, 489 S.E.2d, 472, 475 (1997); *Wachovia Bank, N.A. v. Coffey*, 404 S.C. 421, 746 S.E.2d 35 (2013).

It is by and through the inherent equitable powers of this Court that this Court ruled in favor of the Defendant on July 11<sup>th</sup>, 2014 and executed its Order of July 22<sup>nd</sup>, 2014. "Courts have the inherent power to do all things reasonably necessary to ensure that just results are reached to the fullest extent possible". *Regions Bank v. Wingard Props. Inc.*, 394 S.C. 241, 252, 715 S.E.2d 348 (Ct. App. 2011); *Buckley v. Shealey*, 370 S.C. 317, 323-24, 635 S.E. 2d 76, 79 (2006); *Ex Parte Dibble*, 279 S.C. 592, 595, 310 S.E. 2d 440, 442 (CT. App. 1983).

### DEFECTIVE SERVICE OF PROCESS

The Defendant's dwelling house address (Hidden Bridge) as defined by SCRCP 4(d)(1) was available at [www.charlestoncounty.org](http://www.charlestoncounty.org) as the tax mailing address of the Subject Property at all relevant times and in the actual possession of the Plaintiff by virtue of the Westlaw search. Plaintiff did not comply with SCRCP 4 (d)(1) regarding personal service and did not act to "assure the defendant of reasonable notice of the action." *Delta Apparel, Incorporated v. Daniel G. Farina* 406 S.C. 257, 266, 750 S.E.2d 615 (2013), citing *Roche v. Young Bros., Inc. of Florence*, 318 S.C. 207, 209, 456 S.E. 2d 897,899 (1995).



“An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice, reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of an action and afford them an opportunity to present their objections.” *Mullane v. Central Hanover Trust Co.*, 339 U.S. 306, 314, 70 S.Ct. 652, 657, 94 L.Ed. 865,873 (1950); *Murdock v. Murdock* 338 S.C. 322, 333 (1999) 526 S.E.2d 241 (1999). In the instant action, it is clear in light of the email the Defendant later sent to the Plaintiff’s counsel that, had the Defendant had notice, he had the means and would have exercised his Right of Redemption and paid the small amount due the Plaintiff. Under the attendant circumstances and facts of this case, the Plaintiff’s efforts to notify the Defendant do not approximate any effort reasonably calculated to notify the Defendant of this action. In light of the Ninety year age of the party identified in the Westlaw address search and not discovering Defendant or his deceased father at the property or the two assisted living facilities, a minimum of reason would dictate attempting to serve the fourth address revealed on the Westlaw Search.

### GROSS NEGLIGENCE

This Court further finds the actions and inactions of the Plaintiff so inadequate as to rise to grossly negligent in the breaching of its duty to provide adequate notice to the Defendant of the foreclosure action filed against him. This Court finds gross negligence in the Plaintiff’s failure to exercise the requisite degree of care. “A (party) is guilty of gross negligence if (they are) so indifferent as to the consequences of (their) actions as not to give slight care to what (they are) doing.” *Hamilton v. Charleston County Sheriff’s Department* 399 S.C. 252, 731 S.E.2d 727 (S.C. App. 2012) (citing to *Jackson v. The South Carolina Department of Corrections* 301 S.C. 125, 126 (1989), 390 S.E.2d 467, 468 (citing to *Anderson v. Ballenger* 166 S.C. 44, 164 S.E. 313 (1932)). Plaintiff’s lack of attention demonstrated a “want of even slight care and diligence (and) a greater want of care then to be understood by the term ‘ordinary care’.” *Frankel v. Kurtz* 239 F.Supp. 713, 718 (W.D.S.C. 1965) citing to *Thackston v. Port Royal & W.C.Ry. Co.*, 40 S.C. 80, 18 S.E. 177. The Plaintiff’s actions and inactions with regards

to its duty to provide adequate notice to the Defendant are only generously described as indifferent to their consequences and lacking in even slight care and diligence.

### **FRAUD OR COLLUSION STANDARD DISTINGUISHED**

The Court is mindful of the standard set forth in *Yates v. Gridley*, 16 S.C. 496, 500 (1882) and subsequent cases regarding the finality of the finding of due diligence of the Officer issuing the Order of Publication in the absence of fraud or collusion. *Yarborough v. Collins*, 293 S.C. 290, 293, 360 S.E.2d 300 (1987); *Montgomery v. Mullins*, 325 S.C. 500, 506, 480 S.E. 2d 467 (Ct.App 1997). The Court is also mindful of the volume of Motions for Orders of Publication that the Clerk of Courts reviews and makes note of the similarity of the Defendant's name and the name of his father, the party exhibited in the Westlaw address search which was incorporated into Plaintiff's Affidavit to obtain that Order of Publication. The Court further finds that such indifference and gross negligence on the part of the Plaintiff is not normally contemplated and therefore remained virtually indiscernible to our Honorable Clerk of Court prior to the evidentiary hearing of the matter.

To the extent that the Clerk of Court might have and did not discover the grossly negligent efforts to effectuate service, the Court views this as a "structural defect in the constitution of the trial, (defying) analysis by harmless error standards." *State v. Mouzon* 326 S.C. 199, 204, 485 S.E. 2d 918 (1997) (citing to *Arizona v. Fulimante*, 499 U.S. 279, 309, 111 S.Ct. 1246, 1265, 113 L.E 2d 302, 331 (1991). See also *LaSalle Bank v. Davidson*, 386 S.C. 276, 280, 688 S.E. 2d 121 (2009). This defect "effected the trial from beginning to end" (*Id* at 280) and resulted in a default judgment of foreclosure.

### **PERSONAL JURISDICTION**

The Plaintiff's grossly negligent attempts at service deprived the Defendant the adequate notice procedurally guaranteed under the Constitution, the South Carolina Rules of Civil Procedure, the Order of Publication, and South Carolina Code § 15-9-740. The Plaintiff violated the Defendant's protected right to due process of law. Personal jurisdiction had not been conferred upon this Court at the time it



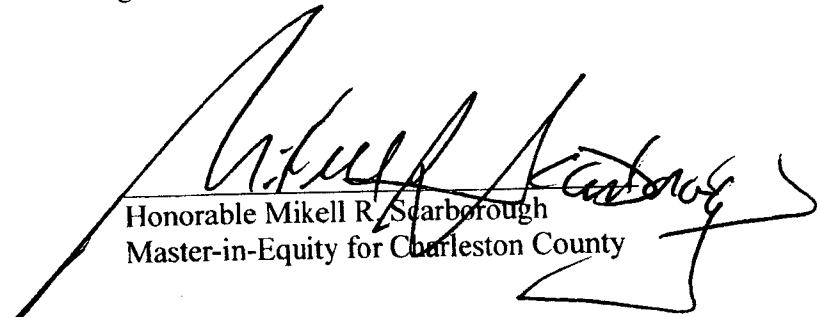
granted the default Judgment on March 18<sup>th</sup>, 2014 and the date it executed the Judgment of Foreclosure and Sale on April 8<sup>th</sup>, 2014.

By and through the inherent equitable powers of this Court and the reasons contained herein, this Court Amends its Order of July 22<sup>nd</sup>, 2014 to include the following conclusions of law:

- 1) The Plaintiff grossly negligent acts deprived the Defendant of notice of the action against him;
- 2) Service was defective;
- 3) The Defendant was deprived of procedural due process guarantees of the Constitution as a result of Plaintiff's gross negligence;
- 4) This Court lacked personal jurisdiction to render the Judgment of Foreclosure and Sale in favor of the Plaintiff in its Order dated April 4<sup>th</sup>, 2014; .
- 5) The Judgment of Foreclosure and Sale is VOID pursuant to S.C.R.C.P. 60 (b)(4);
- 6) The Master's Deed of May 16<sup>th</sup>, 2014 conveying title to David Conor Keys and Karen Keys is VOID Ab Initio.

In light of its ruling, the Court does not find it necessary to rule on Defendant's other 60(b) motions or to rule on Third Party Purchaser's disputed status as a Bona Fide Purchaser for Value. The Court, however, as expressed at the hearing to the parties, stands prepared to make a ruling as to the Bona Fide Purchaser for Value issue with further briefing of the matter.

**AND IT IS SO ORDERED!!!**

  
Honorable Mikell R. Scarborough  
Master-in-Equity for Charleston County

2/5 2014

IN THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

The Honorable Mikell R. Scarborough, Master in Equity

---

Case No. 2013-CP-10-4248

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Belle Hall Plantation Homeowner's Association, Inc.,.....Respondent,

v.

John A. Murray, Trustee of John E. Murray & Gloria C. Murray Family Trust, Defendants,

Of whom David Conor Keys & Karen Keys.....Appellants.

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NOTICE OF MOTION AND MOTION  
TO WITHDRAW APPELLANTS' INITIAL BRIEF,  
TO SUBSTITUTE AN AMENDED INITIAL BRIEF IN ITS PLACE  
AND TO AMEND APPELLANTS' DESIGNATION OF MATTER.

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The Appellants, David Conor Keys & Karen Keys by and through their undersigned counsel, hereby move before this Court, pursuant to Rules 208, 209, 240, SCACR and any other applicable South Carolina Appellate Rule, for an Order granting Appellants the right to withdraw Appellants Initial Brief and substitute in its place an amended brief. Appellants further move before this Court for an Order allowing Appellants to amend their Designation of Matter to include the lower court's Order filed on February 10, 2015, Appellants' Motion to Reconsider said Order filed on February 18, 2015, and the lower courts Order on upon said Motion presumed to be filed in the near future. If the Court will grant Appellants Motion Appellants will stand ready, willing, and able to file Appellants Amended Brief and Amended Designation of

Matter upon receipt of notice of granting said Motion. The grounds for the motion are as follows:

1. On **July 22, 2014**, the Master filed an Order Vacating the Order of Foreclosure, and the Sale of the Subject property to Appellants, David Conor Keys and Karen Keys (hereinafter "Appellants").
2. On **August 1, 2014**, Appellants filed a Motion to Reconsider the Order of July 22, 2014.
3. On **August 4, 2014**, the Respondent, John A. Murray, Trustee of John E. Murray and Gloria C. Murray Family Trust (hereinafter "the Trust"), filed a Motion to Amend the Order of July 22, 2014, to include additional findings of fact and law.
4. On **August 20, 2014**, the Master filed a form four Order denying the Appellants Motion to Reconsider the Order of July 22, 2014, and Granting the Respondent Trust's Motion to Amend the Order of July 22, 2014. The form four Order states: "Formal order to follow."
5. On **September 2, 2014**, Appellants, pursuant the requirements of Rule 59(e), SCRCPC, filed a Motion to Reconsider the Order of August 20, 2014.
6. On **September 19, 2014**, Appellants filed a Notice of Appeal in this matter with the lower court, served the notice on all parties and this Court.
7. On **September 19, 2014**, *the Master filed and Order denying Appellants' Motion to Reconsider the Order of August 20, 2014.*
8. On **December 8, 2014**, the Trust served this Court a correspondence which asserted that this appeal was premature because the Order of August 20, 2014, stated "formal order to follow." The Trust asserted that Master was still reviewing the "formal order."

9. On **December 23, 2014**, this Court sent Appellants a correspondence requesting that Appellants respond to the Trust's December 8, 2014, Correspondence.

10. On **December 23, 2014**, Appellants served a letter on this Court responding the Court's request.

11. On **January 21, 2015**, this Court sent the parties a Correspondence which states in relevant part: "After reviewing the documents provided along with the notice of appeal and amended notice of appeal, *it appears to our satisfaction that the master-in-equity issued a ruling on the Rule 59 motion to alter or amend, filed on September 19, 2014. Accordingly, this appeal may proceed.* Enclosed is the Order of the Court granting Mr. Keys' request for an extension of time to his appellant's initial brief and designation of matter."

12. On **February 1, 2015**, Appellants served their initial brief and designation of matter upon this Court and all parties.

13. On **February 10, 2015**, the Master filed an Order Amending the factual and legal findings of the Order of July 22, 2014. The Order states: "While this court is aware this matter is now on appeal, and therefore may lack jurisdiction, that August 20, 2014 Order provided a "formal order to follow" and therefore this order provides the legal, factual, and equitable basis for this court's ruling."

14. The Order of February 10, 2015, which was filed after Appellants served their initial brief and designation of matter, alters and amends the Order of July 22, 2014, which vacated the Order of Foreclosure and the Sale of the subject property. This is the principle issue on this appeal! The Order of July 22, 2014, contained the core factual and legal rulings at issue in this appeal, and the Order of February 10, 2015, altered and amended those factual and legal rulings.

15. Appellants would assert that it would be highly prejudicial to Appellants not to allow them to substitute their Initial Brief with an amended brief which accounts for, and takes into consideration, the Order of February 10, 2015.

16. Appellants would further assert that it would be in the interest of this Court and judicial economy to allow Appellants to withdraw their Initial Brief and substitute it with an amended brief. Appellants would additionally assert that providing the Court with a substituted amended brief rather than an supplement to Appellants' Initial Brief would also be in the interest of judicial economy.

17. Appellants would assert that because the Respondents have not filed their initial briefs in this matter, they will suffer no prejudice if Appellants motion is granted.

18. Appellants do not request of this Court an extension of time to amend their initial brief or designation of matter, but rather stand ready willing and able to serve this Court with an amended brief and an amended designation of matter if this Court were to grant Appellants' Motion, excepting that reasonable time necessary to receive the Courts notice of ruling and subsequently serve the documents upon the Court and parties.

For the reasons set forth above and the extraordinary circumstances presented, Appellants respectfully request that this Court grant their motion.

February 26, 2015  
Charleston, SC



D. Conor Keys  
843 Robert E. Lee Blvd.  
Charleston, SC 29412  
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Facsimile: 843-971-6055  
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*Individually and as  
Attorney for Appellant.*

Other Counsel of Record:

Amanda Reece  
Reece Law Firm, LLC  
871 Low Country Blvd. #200  
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*Attorney for John A. Murray,  
Trustee of the John E. Murray and  
Gloria C. Murray Family Trust*

Stephanie C. Trotter  
McCabe Trotter & Beverly, P.C.  
P.O. Box 212069  
Columbia, SC 29221  
*Attorney for Belle Hall Plantation  
Homeowner's Association, Inc.*

IN 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

Case No. 2013-CP-10-4248

Belle Hall Plantation Homeowner's Association, Inc.,.....Respondent,

v.

John A. Murray, Trustee of John E. Murray & Gloria C. Murray Family Trust, Defendants,

Of whom David Conor Keys & Karen Keys.....Appellants.

PROOF OF SERVICE

I certify that on this 26th day of February 2015, I have served Appellants' Motion to file an Amended Brief and Designation of Matter upon all counsel of record by depositing a copy in the United States Mail, postage prepaid addressed as follows:

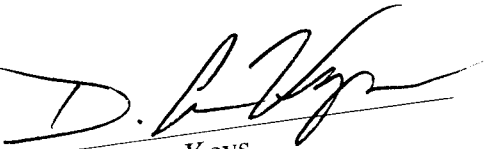
Amanda Reece  
Reece Law Firm, LLC  
871 Low Country Blvd., Suite 200  
Mt. Pleasant, SC 29464  
Attorney for John A. Murray,  
Trustee of the John E. Murray and  
Gloria C. Murray Family Trust

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**SC Court of Appeals**

  
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February 26, 2015,

V. Claire Allen, Deputy Clerk  
Clerk of Court, SC Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

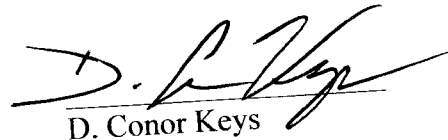
**RE: Belle Hall Plantation Homeowner's Association, Inc. v. John A. Murray, Trustee of John E. Murray Gloria C. Murray Family Trust  
Appellate Case No.: 2014-002018**

Madam Clerk,

Please find enclosed, with regard to the above referenced matter, Appellants':

1. Third Amended Notice of Appeal;
2. Motion to withdraw and Appellants' Initial Brief, to substitute an amended brief, and amend Appellants' Designation of Matter; and
3. A corresponding check for said motion.

With kind regards,

  
D. Conor Keys

Enclosures:  
(as stated)  
CC:  
Amanda Reece  
Stephanie Trotter

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**SC Court of Appeals**

D. Conor Keys  
843 Robert E. Lee Blvd.  
Charleston, SC 29412



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V. Claire Allen, Deputy Clerk  
Clerk of Court, SC Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

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