

**STATE OF SOUTH CAROLINA  
In the Court of Appeals**

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**APPEAL FROM HORRY COUNTY  
Court of Common Pleas**

**The Honorable Larry B. Hyman, Jr., Common Pleas Court Judge**

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**Case No. 2013-CP-26-00980**

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**Rawcliffe Resorts, Inc., . . . . . Respondent,**

**v.**

**Matt Becker and Associates, Inc. d/b/a Ocean Breeze Beach Vacations Matt Becker and  
Karen Clark Becker . . . . . Appellants.**

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**RESPONDENTS' RESPONSE TO APPELLANTS' PETITION FOR LEAVE OF  
COURT TO FILE MOTION FOR NEW TRIAL PURSUANT TO 60(B), SCRPC AND  
APPELLANTS' MOTION FOR RELIEF FROM ORDER OF CONTEMPT**

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The appellants, by and through the undersigned, would respectfully show and allege unto this Honorable Court as follows:

1. The case cited by Appellants in their motion, entitled Sand Dunes Oceanfront Tower Homeowners' Association, Inc. vs. Bennett, *et al.*, 2015-CP-26-0057, is totally irrelevant to this appeal and their motion. Sand Dunes Oceanfront Tower Homeowners' Association, Inc. is a separate legal entity from Sand Dunes North Tower Homeowners' Association, Inc., which is the subject of the instant appeal. All of the affidavits of individuals filed by the Complainant in support of the complaint in Sand Dunes Oceanfront Tower Homeowners' Association, Inc. vs.

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Bennett, *et al.* are for locks being changed in units in the oceanfront tower. The Defendants in the instant appeal were held in contempt for violating the Court's Temporary Injunction concerning Unit 1710 in Sand Dunes North Tower. All of the evidence submitted in support of Appellants' Petition for Leave of Court to File Motion for New Trial deal with locks being changed in 2015 in the oceanfront tower, and there is no allegation of locks being changed in north tower. Therefore, their argument and evidence are irrelevant for this appeal.

2. Although the writer does not represent anyone in the Sand Dunes vs. Oceanfront Tower Homeowners' Association v. Bennett, *et al.* case, the writer has read through all the filed documents in the case, and that argument has to do with locks being changed on certain rental units during 2015. The Appellants were held in contempt for actions taken in 2013, so any arguments concerning change of locks do not apply on that basis alone.

3. As it concerns the Sand Dunes North Tower, the Appellants have not cited anything that could not have been discovered ahead of time through depositions and discovery, which were done in this case. In doing so, Appellants knew or should have known that Rawcliffe Resorts, Inc. did not have access to units not on their rental program.

4. Even if it were true, nothing cited by Appellants would be after-discovered evidence. Appellants have already used the argument that someone else might have had access to the room at issue through the homeowners' association, management company and/or Rawcliffe Resorts. Everything here is information the Appellants knew, could have known, and/or should have known, but not only that, had already tried in the form of an argument at the Rule to Show Cause.

5. It is undisputed that North Tower hired Resort Association Management, Inc. (hereinafter referred to as "RAM") as its management company. The related homeowners'

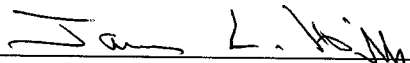
association covers all units in the North Tower. Rawcliffe Resorts, Inc. is a property management company for the units in their rental program, which does include units from the North Tower. As stated previously, Rawcliffe Resorts does not have keys to units that are not on their program. RAM is supposed to have emergency access keys for all units in the entire building. There is no contradiction between Mr. Rawcliffe and Mr. Rivera's testimony here and the information presented by Appellants as "after-discovered evidence."

6. Lastly, with regard to Mr. Rivera's testimony, Respondent calls the Court's attention to Record 136, lines 6-11, in which Mr. Rivera stated that he had not been in the units and that if the units are not in the rental program, they do not have a way to get in.

Respondent respectfully requests that the Court dismiss the Appellants' Motions.

Respectfully submitted.

**HILLS & HILLS, P.C.**

  
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Myrtle Beach, South Carolina

Dated: April 20, 2015

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PROOF OF SERVICE

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The undersigned hereby certifies that on the date indicated below she served the counsel for the Appellant with a copy of the *Respondents' Response to Appellants' Petition for Leave of Court to file Motion for New Trial Pursuant to 60(b), SCRCF and Appellants' Motion for Relief from Order of Contempt* by mailing a copy of the same by United States Mail with first class postage prepaid to the following address:

Randall K. Mullins, Esquire  
Jarrod E. Ownbey, Esquire  
Mullins Law Firm  
Post Office Box 585  
North Myrtle Beach, SC 29597



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Ronald Solomon  
HILLS & HILLS, P.C

April 20, 2015  
Myrtle Beach, South Carolina

**HILLS & HILLS, P.C.**  
ATTORNEYS AT LAW

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April 20, 2015

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

**RE: Rawcliffe Resorts, Inc. v. Matt Becker and Associates, et al.**  
**Appellate Case Tracking No.: 2014-001152**  
**Response to Appellants' Petition for Leave of Court to File Motion for New**  
**Trial Pursuant to Rule 60(b), SCRPC**

Dear Ms. Kitchings:

Enclosed please find the original and two (2) copies of the Respondents' Response to Appellants' Petition for Leave of Court to File Motion for New Trial Pursuant to 60(b), SCRPC, which is also Respondents' Response to Appellants' proposed Motion for Relief from Order of Contempt Pursuant to Rule 60(b), SCRPC. We are simultaneously serving a copy of this Response on Appellants' counsels, as evidenced by the enclosed Proof of Service.

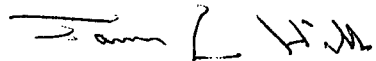
Please clock one of the copies and return it to me via the self-addressed, stamped envelope which is enclosed for your convenience.

Thank you for your attention in this matter.

With warm regards, I remain

Very truly yours,

**HILLS & HILLS, P.C.**



James L. Hills, Sr.

Enclosures

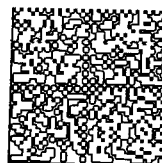
cc: Randall K. Mullins, Esquire  
Jarrod E. Ownbey, Esquire


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