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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
R. Markley Dennis
Circuit Court Judge

JUL 07 2015

SC Court of Appeals

Case No. 2014-CP-10-4946

Wells Fargo Bank, N.A., as Successor by Merger
to Wachovia Bank, National Association as
Successor by Merger to First Union National Bank..... Plaintiff/Respondent,

v.

EAC
Penny Creek Associates, L.L.C. a/k/a Penny
Creek Associates, LLC; The Grove at Fenwick
Plantation, LLC; Charlotte R. Zurlo; Eugene J.
Zurlo; Charlotte R. Zurlo and Eugene J. Zurlo,
as Co-Trustees of The Nicklaus Lane Realty
Trust No. 1 under Declaration of Trust dated
May 22, 1998; Fenwick Hall Plantation Property
Owners Ass'n., Inc. a/k/a Fenwick Hall Plantation
Property Owners' Association, Inc.; Preserve at
Fenwick Hall Property Owners' Association, Inc.;
and The Grove at Fenwick Plantation
Condominium Association, Inc..... Defendants/Respondents,

Michel F. LaPlante a/k/a Michel
Laplante a/k/a Mitch LaplanteDefendant/Third-Party Plaintiff/Appellant,

v.

The Eugene J. Zurlo Living Trust,
Dated December 11, 1997 and Paul Zurlo Third-Party Defendants/Respondents.

NOTICE OF APPEAL

Appellant Michel F. LaPlante a/k/a Michel Laplante a/k/a Mitch Laplante (“Laplante”) appeals the decision of Judge R. Markley Dennis dated June 2, 2015. Laplante received written notice of the entry of this decision on June 4, 2015. The relevant order, and the March 3, 2015, order which it sought to amend, are attached to this notice.

Dated: 07/02/2015



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Attorney for Defendants/Respondents Eugene J. Zurlo; Charlotte R. Zurlo and Eugene J. Zurlo, as Co-Trustees of The Nicklaus Realty Trust No. 1 under Declaration of Trust dated May 22, 1998 and Attorney for Third-Party Defendant/Respondent The Eugene J. Zurlo Living Trust, Dated December 11, 1997

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July 2, 2015

Jenny Abbot Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

RECEIVED
JUL 07 2015
SC Court of Appeals

RE: Wells Fargo Bank, N.A. v. Penny Creek Associates, LLC, et al.
Case No.: 2014-CP-10-4946
Our File No.: 6338-3

Dear Ms. Kitchings:

Please find enclosed the Notice of Appeal in the above-captioned action and a check for \$100.00, representing the required filing fee. The orders in question are immediately appealable because this is an appeal of a decision granting an order of reference as to legal cross-claims and third-party claims; reference to the Master-in-Equity deprives Appellant of a mode of trial to which he is entitled by law. See e.g. C&S Real Estate Servs., Inc. v. Massengale, 290 S.C. 299, 350 S.E.2d 191 (1986). These claims are compulsory (and thus must be tried via jury) under the "logical relationship" test. See Wells Fargo Bank, N.A. v. Smith, 398 S.C. 487, 495, 730 S.E.2d 328, 332-33 (Ct. App. 2012). These claims also share common questions of fact and law, and thus must be tried by a jury. See Plantation Fed. Bank v. Gray, 401 S.C. 507, 737 S.E.2d 515 (Ct. App. 2013).

In the event that one of the Respondents moves to dismiss this appeal, Appellant would ask this Court to hold any motion in abeyance and allow all parties to present their full arguments during briefing of this matter.

Should you have any questions or require further information, please do not hesitate to contact me.

With kind personal regards I remain

Sincerely yours,

SEIBELS LAW FIRM, P.A.



Jason Scott Luck
Attorney for Appellant

/JSL

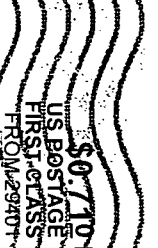
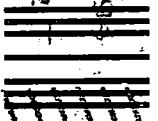
cc: Julie Armstrong, Clerk of Court, Charleston County (w/enc)
All Counsel of Record (w/enc)

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