

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Court of Common Pleas
James C. Williams, Circuit Court Judge

Appellate Case No. 2014-118

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JUL 22 2015

SC Court of Appeals

John T. Lucas, Sr., as Trustee of the John T. Lucas Revocable Trust and Carolyn C.
Lucas Revocable Trust, Appellant,

v.

The Bristol Condominium Property Owners Association, Respondent

and

The Bristol Condominium Property Owners Association, Plaintiff,

v.

John T. Lucas, Sr., as Trustee of the John T. Lucas Revocable Trust dated November 10,
2004, and Carolyn C. Lucas Revocable Trust dated November 10, 2004,
Defendants/Counterclaim Plaintiffs,

v.

The Bristol Condominium Property Owners Association, Counterclaim Defendant.

RESPONDENT'S RETURN OPPOSING REHEARING OR AMENDMENT

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RESPONDENT'S RETURN OPPOSING REHEARING OR AMENDMENT

This Court should deny the Appellant's petition for rehearing or amendment.

Appellant argues that he did not abandon his wrongful foreclosure claim because it is the subject of a separate appeal that remains pending. Pet'n at 1-2.

Regardless of Appellant's separate appeal, it is undisputed Appellant included only cursory argument related to his wrongful foreclosure action in this appeal, see Br. of Appellant at 17-19, and such is insufficient to maintain a claim on appeal. See Ellie, Inc. v. Miccichi, 358 S.C. 78, 99, 594 S.E.2d 485, 496 (Ct. App. 2004); Glasscock, Inc. v. United States Fid. & Guar. Co., 348 S.C. 76, 81, 557 S.E.2d 689, 691 (Ct. App. 2001); R & G Constr., Inc. v. Lowcountry Reg'l Transp. Auth., 343 S.C. 424, 437, 540 S.E.2d 113, 120 (Ct. App. 2000); Welch v. Epstein, 342 S.C. 279, 288 n.1, 536 S.E.2d 408, 412 n.1 (Ct. App. 2000). Further, even if Appellant did not abandon this claim, Appellant's claim fails because ample record evidence supports the special referee's finding. See Br. of Resp. at 13-14.

The Court properly found that Appellant abandoned his appeal of the wrongful foreclosure claim. To the extent this Court finds otherwise, such claims still fails on its merits. For these reasons, this Court should deny the instant petition.

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Charleston, South Carolina
July 20, 2015

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

James C. Williams, Jr., Circuit Court Judge

Appellate Case No. 2014-000118

RECEIVED
JUL 22 2015
SC Court of Appeals

John T. Lucas, Sr., as Trustee of the John T. Lucas Revocable Trust and Carolyn C. Lucas Revocable Trust, Appellant,

v.

The Bristol Condominium Property Owners Association, Respondent,
and
The Bristol Condominium Property Owners Association, Plaintiff,

v.

John T. Lucas, Sr., as Trustee of the John T. Lucas Revocable Trust Dated November 10, 2004, and Carolyn C. Lucas Revocable Trust, Dated November 10, 2004, Defendants/Counterclaim Plaintiffs,

v.

The Bristol Condominium Property Owners Association, Counterclaim Defendant.

CERTIFICATE OF SERVICE

I, Danyelle L. Young, an employee with the law firm of Barnwell Whaley Patterson & Helms, LLC, attorneys for Respondents, do hereby certify that on this date I

caused a copy of Respondents' Return Opposing Rehearing or Amendment to be served upon the party by depositing a copy of same in the United States Mail, postage pre-paid, addressed to the following:

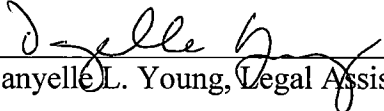
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Danyelle L. Young, Legal Assistant

July 20, 2015



K. Michael Barfield
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July 17, 2015

2116.103
The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1205 Pendleton Street
Post Office Box 11629 (29211)
Columbia, South Carolina 29201

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SC Court of Appeals

Re: *John T. Lucas, Sr., et al. v. The Bristol Condominium Property Owners Association*
Appellate Case No.: 2014-000118

Dear Madame Clerk:

Please find enclosed the original and eight (8) copies of Respondent's Return Opposing Rehearing or Amendment in the above-referenced matter. Please file the same and return two (2) stamped "filed" copies to our office in the envelope provided.

By copy of this letter and enclosure to opposing counsel, we are informing them of this communication with the Court.

Very truly yours,

K. Michael Barfield

KMB/dly
Enclosures

cc: Joseph A. Mooneyham, Esquire
David B. Wheeler, Esquire
Joseph T. Belton, Esquire

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