

# ROSEN | HAGOOD

Alice F. Paylor  
apaylor@rrhlawfirm.com  
(843) 266-8105

November 13, 2015

**SENT BY FEDERAL EXPRESS AND EMAIL**

Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate St.  
PO Box 11629  
Columbia, SC 29211  
jkitchings@sccourts.org

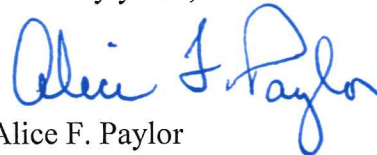
Re: Ex parte: Historic Charleston Foundation, Preservation Society of Charleston,  
Charlestowne Neighborhood Association and Harleston Village Association,  
Appellants  
Beach Jasper, LLC and Beach Equity Investments, LLC v. City of Charleston and  
City of Charleston Board of Architectural Review  
Appellate Case No. 2015-002086

Dear Jenny:

Prior to our talking earlier this week, I had asked all of the parties to the appeal to sign an Agreed Dismissal in accordance with SCACR, Rule 260(b). I now have that document and am sending it to you to file in the hopes that the Court will enter an order of dismissal of this appeal. As I told you, time is of the essence to my client, so I would appreciate any assistance that you can give in getting this order. If the Court has already entered an Order in accordance with our earlier conversation, please disregard this.

Thank you so much for your help in this matter.

Sincerely yours,



Alice F. Paylor

AFP/afp

November 13, 2015

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Cc: John Massalon, Esq.  
J. Rutledge Young, III, Esq.  
Frances I. Cantwell, Esq.

STATE OF SOUTH CAROLINA ) IN THE COURT OF COMMON PLEAS  
COUNTY OF CHARLESTON ) CIVIL ACTION NO.: 2015-CP-10-3660

BEACH JASPER, LLC and )  
BEACH EQUITY INVESTMENTS, LLC, )  
APPELLANTS, )

v. )

CITY OF CHARLESTON and )  
CITY OF CHARLESTON BOARD )  
OF ARCHITECTURAL REVIEW, )  
RESPONDENTS. )

**CONSENT ORDER**

FILED  
2015 NOV -4 PM 3:10  
JULIE J. HARRIS, CLERK OF COURT

WHEREAS, the Court has issued an Order in this matter denying the Motions to Intervene of Historic Charleston Foundation, Preservation Society of Charleston, Charlestowne Neighborhood Association and Harleston Village Association (hereinafter “proposed interveners”); and

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WHEREAS, the proposed interveners have appealed this Court’s decision to the South Carolina Court of Appeals; and

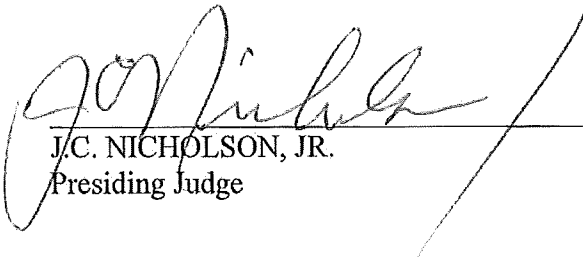
WHEREAS, to avoid the delay attendant to the appeal of this Court’s Order, Appellants propose to resolve the issue by allowing proposed interveners to become party Respondents in this matter; and

WHEREAS, Respondents City of Charleston and City of Charleston Board of Architectural Review do not object.

NOW, THEREFORE, on motion of Appellants, and with the consent of Respondents City of Charleston and City of Charleston Board of Architectural Review, the Court orders that

the proposed interveners be made Respondents in this matter and that the appeal to the Court of Appeals be withdrawn as being moot.

AND IT IS SO ORDERED.

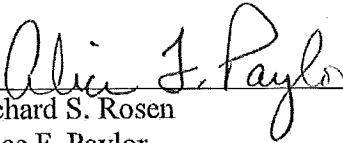
  
\_\_\_\_\_  
J.C. NICHOLSON, JR.  
Presiding Judge

Charleston, SC

November 4, 2015.

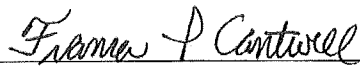
WE MOVE:

ROSEN, ROSEN & HAGOOD, LLC

By:   
\_\_\_\_\_  
Richard S. Rosen  
Alice F. Paylor  
P.O. Box 893  
Charleston, SC 29402  
(843) 577-6726

ATTORNEYS FOR APPELLANTS

WE CONSENT:

  
\_\_\_\_\_  
Frances I. Cantwell  
Assistant Corporation Counsel  
50 Broad Street  
Charleston, SC 29401  
(843) 724-3730

ATTORNEYS FOR RESPONDENTS  
CITY OF CHARLESTON AND CITY OF  
CHARLESTON BOARD OF  
ARCHITECTURAL REVIEW

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

J.C. Nicholson, Jr., Circuit Court Judge

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Appellate Case No. 2015-002086

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Charlestowne Neighborhood Association, Harleston Village Association, Preservation Society of Charleston and Historic Charleston Foundation, ..... Appellants,

Beach Jasper, LLC and Beach Equity Investments, LLC, ..... Respondents,

v.

City of Charleston and City of Charleston Board of Architectural Review, .. Respondents.

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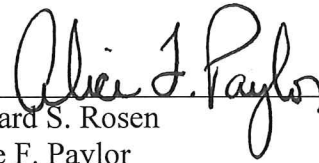
AGREED DISMISSAL

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Appellants and Respondents agree to dismiss this appeal in accordance with Appellate Court Rule 260(b), on the condition that the attached order signed by Judge J.C. Nicholson is declared to be valid and binding on the parties in the Order of Dismissal and that Respondents Beach Jasper, LLC and Beach Equity Investments, LLC claim for sanctions is dismissed with prejudice.

[SIGNATURES ON FOLLOWING PAGES]

By:



Richard S. Rosen

Alice F. Paylor


ROSEN, ROSEN & HAGOOD, LLC

P.O. Box 893

Charleston, SC 29402

(843) 577-6726

ATTORNEYS FOR RESPONDENTS  
BEACH JASPER, LLC AND BEACH  
EQUITY INVESTMENTS, LLC



Frances I. Cantwell

Assistant Corporation Counsel

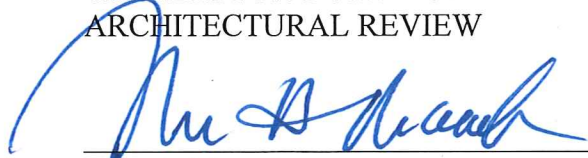
50 Broad Street

Charleston, SC 29401

(843) 724-3730

*w/ permission*

ATTORNEYS FOR RESPONDENTS  
CITY OF CHARLESTON AND CITY OF  
CHARLESTON BOARD OF  
ARCHITECTURAL REVIEW



John A. Massalon

I. Ryan Neville

WILLS MASSALON & ALLEN, LLC

P.O. Box 859

Charleston, SC 29402

(843) 727-1144

ATTORNEYS FOR CHARLESTOWNE  
NEIGHBORHOOD ASSOCIATION AND  
HARLESTON VILLAGE ASSOCIATION

*J. Rutledge Young, III / AJP*  
J. Rutledge Young, III  
Julie L. Moore  
Duffy & Young, LLC  
96 Broad Street  
Charleston, SC 29401  
*w/ permission*

ATTORNEYS FOR PRESERVATION  
SOCIETY OF CHARLESTON AND  
HISTORIC CHARLESTON  
FOUNDATION