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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

APPEAL FROM RICHLAND COUNTY
In the Court of Common Pleas

DEC 03 2015

Clifton Newman Presiding Judge

SC Court of Appeals

2013-001479

The SPUR at Williams Brice Owners Association, Inc., Respondent,

v.

Sunil V. Lalla and Sharon W. Lalla, Appellants.

PETITION FOR REHEARING

The undersigned, as counsel for the Appellants hereby moves for a rehearing on the following grounds:

1. The decision of the Court of Appeals misconstrues and misapplies applicable South Carolina Law in holding as a matter of law the Appellants failed to meet their burden of establishing that the restrictive covenant at issue in this case is unreasonable and unenforceable.

2. The Decision of the Court of Appeals misconstrued and misapplied applicable South Carolina Law and the facts of this case in holding that the restrictive covenants at issue in this case were reasonable.

3. The decision of the South Carolina Court of Appeals misconstrues and misapplies South Carolina Law regarding the enforceability of restrictive covenants by holding that the restrictive covenant(s) at issue in this case were reasonable and enforceable.

4. The decision of the South Carolina Court of Appeals misconstrues and misapplies applicable South Carolina Law by holding that the restrictive covenant at issue in this case did not violate the Equal Protection Clauses of Article I, Section 3 of the South Carolina Constitution and the Fourteenth Amendment of the United States Constitution.

5. The decision of the Court misconstrues and misapplies South Carolina Law by affirming the Lower Court's ruling that the restrictive covenant at issue in this case was not arbitrary or constitutionally violative.

6. The decision of the Court misconstrues and misapplies South Carolina Law and the facts of this case by holding that the Respondent's rental restrictions were not unreasonable, discriminatory, and did not prohibit an ordinary class of renters from access to public accommodations in violation of State and Federal Law.

7. The decision of the Court misconstrues and misapplies South Carolina Law and the facts of this case by affirming the Lower Court's decision that the Respondent's restrictions were not rendered null and void by a change in economic circumstances.

8. The decision of the Court overlooks, misconstrues and misapplies South Carolina Law and the facts of this case by affirming the Lower Court's Order ruling that the affirmative defense of waiver was not applicable to the facts of this case.

9. The decision of the Court, misconstrues and misapplies evidence presented to the Lower Court and contained in the record that the Respondent waived any right to enforce the covenants as a matter of law.



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West Columbia, South Carolina
December 3, 2015

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
In the Court of Common Pleas

Clifton Newman Presiding Judge

2013-001479

The SPUR at Williams Brice Owners Association, Inc., Respondent,

v.

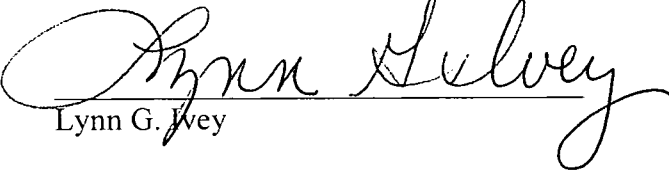
Sunil V. Lalla and Sharon W. Lalla, Appellants.

PROOF OF SERVICE

I certify that I have served the Petition for Rehearing of Appellants Sunil V. Lalla and Sharon W. Lalla to the parties to the appeal by depositing a copy of it in the United States Mail, postage prepaid, on December 3, 2015, addressed to attorneys of record as follows:

Reese Williams, Esquire
William Taylor Stanley, Esquire
Post Office Box 1390
Columbia, SC 29202-1390

Brian Matthew Lysell, Esquire
625 Stanwix Street
Suite 2007
Pittsburgh, PA 15222


Lynn G. Jwey

December 3, 2015

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201
VIA HAND DELIVERY

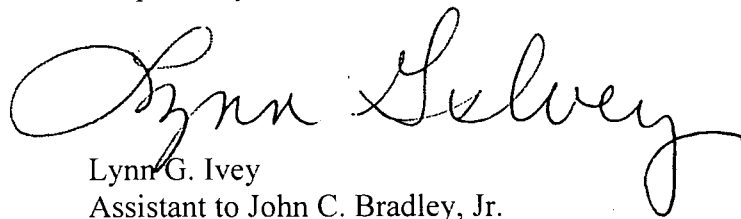
RE: The SPUR at Williams Brice Owners Association, Inc. v. Sunil V.
Lalla and Sharon W. Lalla
Civil Action No. 2013-001479

Dear Ms. Kitchings:

Enclosed please find for filing in the above-referenced matter an original and eight copies of Appellants' Petition for Rehearing. Please return the clocked copies to our courier. In addition, I enclose a check in the amount of \$25.00 the filing fee.

By copy of this letter, I am serving a copy on all counsel. Thank you in advance for your assistance in this matter.

Respectfully,


Lynn G. Ivey
Assistant to John C. Bradley, Jr.

Enclosures

cc: Reese Williams, Esquire
William Taylor Stanley, Esquire
Brian Matthew Lysell, Esquire

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SC Court of Appeals

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