

IN THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Paul M. Burch, Circuit Court Judge

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APR 05 2016

Case No. 2012-CP-26-5222
Appellate Case No. 2016-000304 **S.C. SUPREME COURT**

Thomas P. and Desiree J. Lyons,

Respondents.

v.

Fidelity National Title Insurance Company as successor by merger to
Lawyers Title Insurance Corporation, Bobby Gene Martin, and The
Security Title Guarantee Corporation of Baltimore,

Defendants,

Of Whom The Security Title Guarantee Corporation of Baltimore is the

Appellant.

MOTION TO VACATE OPINION OF THE COURT OF APPEALS

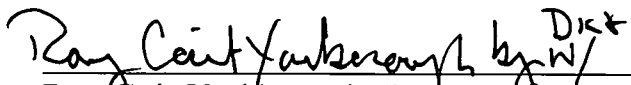
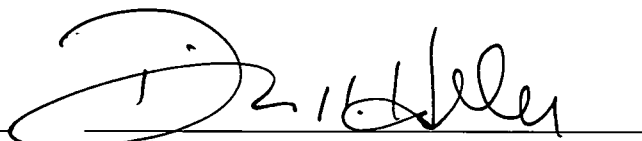
Pursuant to SCRAP Rule 251(d), Petitioner The Security Title Guarantee Corporation of Baltimore and Respondents Thomas P. and Desiree J. Lyons jointly move to vacate Opinion Number 5365 from the South Carolina Court of Appeals.

This is a dispute over whether Petitioner is required to pay over benefits from a title insurance policy to the Lyons. The parties have reached an agreement to settle the underlying dispute contingent on the Court of Appeals' order, Opinion Number 5365, being vacated. The Lyons brought this action against Security Title when a spoilage easement held by the U.S. Army Corp of Engineers was determined to cover their property in Horry County. The parties believe the opinion of the Court of Appeals has had the unintended consequence of expanding the standard of care for all real estate title examiners and closing attorneys by giving a broader definition of "public record" than what is necessary to resolve the specific controversy between the parties. Further, the parties have resolved this matter on grounds other than the contract dispute; hence, the opinion has become advisory in nature.

For the above reasons, the parties move to vacate the opinion of the Court of Appeals and dismiss this action with prejudice.

I SO MOVE:

I SO MOVE:

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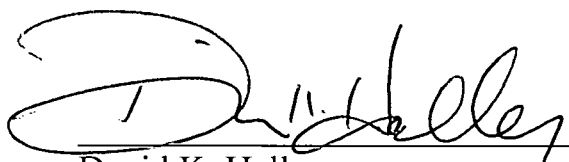
Defendants,

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PROOF OF SERVICE

I certify that I mailed the forging Motion to Vacate Opinion of the Court of Appeals to all counsel of record at the addresses below on April 4, 2016.



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CAH day of April, 2016

Charleston, South Carolina

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