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SC Court of Appeals

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April 15, 2016

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

RE: Lee & Associates Charleston, LLC, Respondent v. Chicora Gardens Holdings, LLC and Chicora Life Center, LC, Appellants
Case No. 2014-CP-10-7481
Appellate Case No. 2015-002259
S|C File No. 15-015

Dear Ms. Kitchings:

After consulting with opposing counsel, who has consented to the language of this letter, I write in an attempt to obtain an order in the above appeal that has the effect of restoring jurisdiction in the Master-In-Equity for Charleston County (“Lower Court”), while preserving temporarily the appeal.

A little background: The underlying case arose, in part, after the Respondent filed a mechanic’s lien on real property owned by the Appellants. The Appellants thereafter posted a cash bond (“Bond”) in the RMC Office for Charleston County to remove the encumbrance on their property. After a ruling on summary judgment motions, the above appeal was filed and final briefs have been submitted by both parties. Since that time, the parties have agreed to the terms of a settlement agreement. However, a significant portion of the settlement will be paid from the Bond, requiring release of the Bond by the Lower Court. It is our belief that the Lower Court currently may not, and potentially cannot, release the Bond, pursuant to Rule 205, SCACR.

It is our understanding from speaking with several members of your staff that the Court of Appeals frequently issues and enters orders not specifically delineated in the South Carolina Appellate Court Rules, in order to effectuate settlements or otherwise dispose of cases. It is our hope that such an order can be drafted and issued in this case.

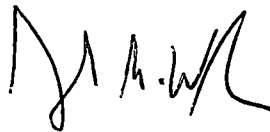
In short, we require an order that:

(1) Restores jurisdiction with the Lower Court, thus allowing the Lower Court to enter an order that makes findings and rulings necessary to release the Bond; and

(2) Preserves the appeal, in the event that the Bond cannot be released in accordance with the settlement agreement between the parties.

I, along with counsel for the Respondent, stand ready to assist with the drafting of this order, or to answer any questions that you or the Court of Appeals may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'S.M. Wheeler', with a stylized flourish at the end.

Samuel M. Wheeler

cc: Joseph C. Wilson, IV, Esquire
Carl E. Pierce, II, Esquire

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